Prepared for:
Anadarko Petroleum Corporation
The Woodlands, Texas

Prepared by:
AECOM
Houston, TX
60335556 Task 3
December 2014

Texas Pollutant Discharge Elimination System Construction General Permit Storm Water Pollution Prevention Plan

Former Westlake Natural Gasoline Plant Nolan County, Texas

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Former Westlake Natural Gasoline Plant Nolan County, Texas

Prepared By: Emile Hanna
Project Manager

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Project Manager

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List of Acronyms

BMP	Best Management Practice
CFR	Code of Federal Regulations
CWA	Clean Water Act
EAPP	Edwards Aquifer Protection Plan
EPA	Environmental Protection Authority
HASP	Health and Safety Plan
GP	General Permit
NAICS	North American Industry Classification System
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Act
PPT	Pollution Prevention Team
SIC	Standard Industrial Classification
SPCC	Spill Prevention Control and Countermeasure
SWPPP	Storm Water Pollution Prevention Plan
TAC	Texas Administrative Code
TCEQ	Texas Commission on Environmental Quality
TMDL	Total Maximum Daily Load
TPDES	Texas Pollutant Discharge Elimination System
TWC	Texas Water Code
TWDB	Texas Water Development Board
U.S.	United States
USDA	United States Department of Agriculture

Storm Water Pollution Prevention Plan Record of Revisions

Former Westlake Natural Gasoline Plant
Nolan County, Texas

Revision No.	Revision Date	Description of Revision	Replaced Page(s)
0	December 2014	Prepared Construction SWPPP for a Small Construction Site according to the requirements of the General Permit	All

Project Information

Name: Former Westlake Natural Gasoline Plant

Location: South-Central Nolan County, Texas

Latitude: 32.291597 N (Decimal Degrees)

Longitude: -100.451378 W (Decimal Degrees)
(The coordinates were obtained from Google Earth)

Description:

This Construction Storm Water Pollution Prevention Plan (SWPPP) was prepared as part of the remediation activities associated with polychlorinated biphenyls (PCBs) impacted soil (herein referred to as the construction activity) at the former Westlake Natural Gasoline Plant soil (herein referred to as the site) located in Nolan County, Texas.

The SWPPP was prepared according to the guidelines of the Texas Pollution Discharge Elimination System (TPDES) General Permit No. TXR150000, effective March 5, 2013 under the provisions of Section 402 of the Clean Water Act (CWA) and Chapter 26 of the Texas Water Code (TWC).

The site is located on a 44-acre tract of land approximately 4.5 miles north of the town of Maryneal in Nolan County, Texas. The site's general location and the surrounding topographic features are shown on the site location map in Figure 1. The site's general layout map shows the extent of the project's disturbed area as indicated in Figure 2. Additional drawings as related to the soil remediation activities are provided in Appendix A.

Objectives:

The objectives of this SWPPP are to:

- Identify the potential sources of storm water pollution that are reasonably expected to affect the quality of storm water discharges during the construction activity; and
- Describe the Best Management Practices (BMPs) to be implemented during the construction activity to reduce the pollutants in storm water discharges.

This SWPPP describes the following information:

- Project/Site Information;
- BMPs, including erosion and sediment controls, stabilization practices, and other administrative controls as needed;
- Spill prevention and response;
- Inspection and maintenance requirements; and
- SWPPP updates and training requirements.

Project Duration:

Project Start Date: December, 2014

Anticipated Project End Date: February, 2015

Owner / Operator Information:

The following is a summary of personnel responsible for the development, implementation, maintenance and revisions of this SWPPP.

- **Project Owner**

  Anadarko Petroleum Corporation
  1201 Lake Robbins Dr.
  The Woodlands, Texas 77380

  Contact Owner

  Ross Haeberle
  Project Manager
  Phone: (936) 446-8430

- **Primary Operator**

  JWS Restoration Services, Inc.
  Slade Jordan
  Phone: (318) 381-1821

  Site Superintendent

  Scott Hansen
  Phone: (618) 534-7163

  Construction Project Manager

  Slade Jordan
  Phone: (318) 381-1821

The Primary Operator will be in charge of all aspects of the Construction SWPPP.

- **Engineer of Record**

  AECOM Technical Services, Inc.
  16000 Dallas Parkway, Suite 350
  Dallas, Texas 75248

  Contact Name

  Kurt Webber, P.G.
  Project Manager
  Phone: (972) 735-7067
  Cell Phone: (972) 773-6921

1.0 Introduction

1.1 Regulatory Background

The 1972 Federal Water Pollution Control Act, also known as the Clean Water Act (CWA) prohibits the discharge of any pollutant to waters of the United States from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. NPDES is the federal regulatory program to control discharges of pollutants to surface waters of the United States.

On September 14, 1998, the U.S. Environmental Protection Agency (EPA) authorized Texas to implement the Texas Pollutant Discharge Elimination System (TPDES) program to carry out the NPDES program in the state. The TPDES program is administered by the Texas Commission on Environmental Quality (TCEQ) and applies to all permitting, inspections, wastewater effluent monitoring, and enforcement associated with discharges of industrial waste and storm water runoff from industrial and construction activities. The TPDES Construction General Permit (GP) TXR150000 authorizes the discharge of storm water associated with construction activities. This general permit became effective on March 5, 2013 and will expire in five years.

The TPDES GP requires nearly all construction site operators engaged in clearing, grading, and excavation activities that disturb one to five acres, to obtain coverage for storm water discharges and develop a Storm Water Pollution Prevention Plan (SWPPP). In addition, construction sites that are larger than five acres must prepare and submit to TCEQ a Notice of Intent (NOI) and pay the associated fees, prior to discharging storm water runoff.

This SWPPP was prepared in compliance with the TPDES GP to authorize the discharge of storm water from a small construction site since total disturbed area is approximately two acres. In order to maintain compliance with the TPDES GP, implementation of the SWPPP will begin prior to the initial clearing, grubbing, and grading operations since these activities increase the potential for soil erosion at the site.

1.2 Site Background

The former natural gas plant was constructed by Westlake Natural Gasoline Company in the mid 1950's that processed and treated natural gas provided from the surrounding oil and gas production facilities. Several companies operated the gas plant until it was decommissioned and ultimately acquired by Anadarko Petroleum Corporation (Anadarko) in 2006.

Based on the historical information, and subsequent soil investigations, several on-site and offsite locations were impacted with PCBs. The construction activity includes excavation of PCB impacted-soils, temporary staging of PCB impacted-soils in stockpiles, and offsite disposal. This SWPPP was prepared to identify the construction activity that could adversely impact storm water discharges and to describe the control practices that will be implemented to reduce storm water pollution.

The *Remedial Action Plan (RAP)* prepared by AECOM Technical Services, Inc. (AECOM), May 2014, includes additional site-specific information as related to site history, environmental assessment, and remedial action objectives.

1.3 Obtaining Authorization to Discharge

The Primary Operator of small construction activities (including clearing, grading and excavation activities) qualify for coverage under the general permit provided that all the following conditions are met:

- The Construction SWPPP is implemented according to the provisions of the general permit; and
- The site notice is posted in a location where it is safely and readily available for viewing by the general public, local, state and federal authorities until completion of the construction activities.

As part of obtaining coverage under the general permit, a small construction site notice, included in Appendix B, and is completed, signed, certified, and posted near the main entrance of the construction site. The notice is signed and certified by a person and in the manner required by 30 Texas Administrative Code (TAC) §305.44 (relating to Signatories to Applications).

30 TAC §305.44 (a) All applications shall be signed as follows.

(1) *For a corporation, the application shall be signed by a responsible corporate officer. For purposes of this paragraph, a responsible corporate officer means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. Corporate procedures governing authority to sign permit or post-closure order applications may provide for assignment or delegation to applicable corporate positions rather than to specific individuals.*

The notice is readily available for viewing by the general public and local, state, and federal authorities. The notice will contain the following information:

- Operator name and contact information;
- Project location, start up and end dates; and
- Location of the SWPPP.

The construction site notice will be maintained in that location until completion of construction activities.

1.4 Permit Applicability and Coverage

1.4.1 Storm Water Discharges Eligible for Authorization

Discharges of storm water runoff from the construction activity are authorized under the general permit as long as the appropriate controls and measures are implemented as described in this SWPPP to reduce erosion and the discharge of pollutants in storm water from the construction site.

1.4.2 Allowable Sources of Non-Stormwater Discharges

Allowable sources of non-storm water discharges within the permit coverage area include the following:

(a) Discharges from firefighting activities (firefighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, and similar activities);

(b) Uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) Water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) Uncontaminated water used to control dust;

(e) Potable water sources including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;

(f) Uncontaminated air conditioning condensate;

(g) Uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and

(h) Lawn watering and similar irrigation drainage

1.4.3 Post Construction Discharges

Storm water discharges that occur after the construction activities are complete and after final site stabilization, are not eligible for coverage under this general permit and must be authorized under a separate permit if needed. The site notice will be removed within 30 days after final stabilization has been achieved on all portions of the site that are the responsibility of JWS Restoration Services, Inc.

1.5 Responsibility of Operators

The Primary Operator with day-to-day operational control over the construction activities will properly operate and maintain facilities and systems of control which are installed or used to achieve compliance with the conditions of the general permit. In addition, steps will be taken to minimize or prevent any discharge in violation of the general permit that has a reasonable likelihood of adversely affecting human health or the environment. Project description and schedule, the implementation of adequate BMPs, and periodic maintenance and inspections, in addition to SWPPP training, revision and recordkeeping requirements are described in the following sections.

2.0 Project and Site Description

2.1 Construction activity description, and schedule

As a result of the historical release(s), surface soils (less than five feet below ground surface) were impacted with PCBs as shown on Figure 2. The objective of the remediation activities is to mitigate risks associated with PCB-impacted soils at the site by excavating, stockpiling and transporting impacted soils to an approved disposal facility.

The construction activity is scheduled to commence in December 2014 with an anticipated completion date of February 2015. A detailed implementation schedule that includes sequencing of the construction activity while the implementation of the BMPs are summarized in Section 3.0:

Preconstruction:

1. Site preparation, which will include establishing access, survey control, temporary facilities and marking planned work areas and vehicle traffic routes.

   The excavation area will consist of approximately two acres and the construction activity will be accessed through an entrance gate located approximately 2.5 miles west of the site on the Farm-to-Market Road (FM) 608.

   Site access is on gravel roads which will be improved to allow heavy vehicle traffic using caliche/gravel road base material.
2. Designating equipment staging areas and exclusion zones.
3. Installation of erosion and sediment control measures at the perimeter of the construction areas and as described in Section 3.0.
4. Protection of existing vegetation to remain, as applicable.

Remediation:

5. Clearing and grubbing.

   Impacted areas will be cleared of vegetation as necessary for equipment access and soil excavation activities. Excavated tree root-balls will be initially stockpiled then transported and disposed offsite along with the impacted soil.
6. Topsoil stripping and excavation activities.

   PCB-impacted soils will be excavated from the site as shown on Figure 2 and stockpiled in the Soil Management Area (SMA) prior to offsite disposal.
7. Stockpiling impacted soil.

   In May 2011, the SMA was constructed on-site as part of the field-scale pilot study activities and encompasses an area of less than an acre. The SMA is a relatively flat area, surrounded by soil berms, and served as the location for trial screening of PCB-impacted soils. The SMA will be used as the stockpile/laydown area for PCB-impacted soil excavated during the construction activity and prior to offsite disposal.

8. Loading trucks for offsite disposal.

   The loading area will be immediately adjacent to the SMA so that trucks are loaded directly.

9. Backfilling activities.
10. Decontamination activities.

    A decontamination pad will be used for vehicle and equipment washing activities prior to leaving the site and will be located immediately adjacent to the SMA.

11. Installation of other controls as necessary during construction activity.

Interim Reclamation: (Commencing throughout project development)

12. Gravel surfacing of disturbed areas needed for vehicle parking, material staging, etc.
13. Seeding of disturbed areas not associated with construction activity, but related to vehicle parking, material staging, etc.

Final Reclamation:

14. Completing the current construction activity, demobilizing equipment, re-grading disturbed surfaces as necessary, and seeding all newly disturbed areas as needed.

2.2 Environmental Compliance

During the construction activities, if JWS stores, uses, transfers, or otherwise handles oil and/or oil-based products with a maximum above ground storage capacity greater than 1,320 gallons (in containers greater than 55-gallon storage capacity), then JWS will comply with the federal, state and local requirements as required under the Spill Prevention Control and Countermeasure (SPCC) Plan.

JWS will comply with federal, state and local regulations when disposing of waste materials generated from the construction activity. Common non-hazardous solid wastes generated during the Construction Activity may include concrete debris; vegetation; trees; and other non-impacted plaster; asphalt; plumbing fixtures and piping; non-asbestos insulation; roof coverings; metal scraps; and electrical wiring and components.

JWS will follow the appropriate hazardous waste management requirements for the hazardous wastes generated during the construction activity. Common hazardous wastes that could be generated include: used oil, hydraulic fuel, and diesel fuel; contaminated soils; waste paints, solvents, thinners, and resins; contaminated cleanup materials; and other wastes.

2.3 Site Maps

As part of the construction general permit requirements, the SWPPP includes a site location map which is shown in Figure 1, a site layout map which is shown in Figure 2

These figures show the following:

- Drainage patterns in areas where soil disturbance will occur;
- Locations of structural controls either planned or in place (i.e. BMPs that will be utilized for erosion and sediment control);
- Locations where temporary or permanent stabilization practices are expected to be used;

- Locations of construction support activities, including off-site activities, including material, waste, borrow, fill, or equipment storage areas; and
- Surface waters either at, adjacent, or in close proximity to the site.

2.4 Potential Pollution Sources

The SWPPP is prepared to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction activity, including material storage areas, soil stockpiles, equipment staging areas that are used as part of the project. The most common source of pollution during the construction activity is sediment resulting from the erosion of recently cleared and/or graded areas, excavation activities, cut/fill slopes and soil stockpiles. BMPs to address these potential pollutants are described in Section 3 below.

Potential sources of sediment include:

- Clearing and grubbing operations;
- Grading activities;
- Sand, fill dirt, or gravel stockpiles;
- Landscaping operations;
- Excavation operations; and
- Vehicle tracking.

Other potential sources of pollutants (such as oil and grease, metals and organics) include:

- Staging area – fueling activities, equipment maintenance, and temporary sanitary facilities; and
- Waste storage areas.

In general, waste-collection areas will be located away from storm water drainage ditches. Dumpsters will be located near the site entrance, on paved surfaces, to minimize traffic on disturbed soils as much as possible.

Table 1 summarizes the chemicals and/or materials that may contribute to storm water pollution.

Table 1 – Sources of Storm Water Pollutants

Material/Chemical	Physical Description	Storm Water Pollutants	Location
Soil/PCB	Solid organic chemical	PCBs	Impacted areas as shown on Figure 2.
Hydraulic oil/fluids	Brown oily petroleum hydrocarbon	Mineral Oil	Leaks or broken hoses from equipment
Gasoline	Colorless, pale brown or pink petroleum hydrocarbon	Benzene, ethyl benzene, toluene, xylene, MTBE	Leaks or broken hoses from vehicles
Diesel Fuel	Clear, blue-green to yellow liquid	Petroleum distillate, oil and grease, naphthalene, xylenes	Fueling area; Leaks or broken hoses from equipment

Material/Chemical	Physical Description	Storm Water Pollutants	Location
Antifreeze/coolant	Clear green/yellow liquid	Ethylene glycol, propylene glycol, heavy metals (copper, lead, zinc)	Leaks or broken hoses from equipment/vehicles
Waste materials	Various	Suspended, settled and/or floating solids, petroleum, toxic compounds	Staging area, dumpsters
Construction materials	Various	Petroleum, toxic compounds	Staging area
Sanitary toilets	Various colored liquid	Bacteria, parasites, and viruses	Staging area

2.5 Soils, Slopes, Vegetation and Drainage Patterns

According to the United States Department of Agriculture (USDA) National Resources Conservation Service soils map for Nolan County, Texas, the soil in the project area consists mostly of very gravelly clay loam (http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm).

Specifically, the site is located on top of the Ector Series soil classification and mainly consists of very shallow to shallow undulating to hilly, moderately permeable, loamy soils and is very gravelly. Typically, this soil has a surface layer of moderately alkaline, calcareous, dark brown very gravelly clay loam about 12 inches thick. The next soil layer is approximately six inches thick and is made up of hard, fractured limestone that contains secondary carbonates between crevices. The site soil is well drained; the surface storm water runoff is rapid; the rooting zone is very shallow; and, in general, the site is not suitable for cultivation. The site soil permeability is moderate and available water capacity is very low. Based on that, surface erosion hazard is severe and the soil-blowing hazard is slight.

The topography surrounding the construction activity generally ranges from relatively flat to steep slopes toward the south-southeast side and ultimately into Sweetwater Creek. Grading will be used to level areas of the site during the construction activity as needed.

According to precipitation data obtained from the Texas Water Development Board (TWDB) and from the National Oceanic Atmospheric Administration (NOAA), average annual precipitation in Nolan County, Texas is approximately 23 inches. Storm water that falls on the site drains into an unnamed drainage feature and flows to the south-southeast toward Sweetwater Creek as shown on Figure 2. Natural vegetation that can be found onsite consists primarily of native grasses, cedar trees and mesquite trees.

2.6 Limitations on Permit Coverage

2.6.1 Post Construction Discharges

Storm water discharges and other related non-storm water discharges that will occur after the completion of the construction activity are not eligible for coverage under this general permit and will be permitted under a separate TPDES permit, if needed.

2.6.2 Water Quality Standards

Discharges to surface water in the state that would cause, have the reasonable potential to cause, or contribute a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. Discharges from the Construction Activity will flow toward an unidentified drainage feature that may ultimately flow toward the intermittent part of Sweetwater Creek, thence to the perennial part of Sweetwater Creek and then to Lake Trammel. It is not anticipated that the construction activity will cause or contribute to a violation of water quality standards or contribute to the impairment of a designated water use.

2.6.3 Impaired Receiving Waters and Total Maximum Daily Load Requirements

Discharges of pollutants to impaired water bodies for which there is a Total Maximum Daily Load (TMDL) are not eligible under the general permit unless they are consistent with the approved TMDLs.

In accordance with section 303(d)(1) of the CWA, and pursuant to the latest TCEQ and EPA approved CWA Section 303(d) List, Sweetwater Creek and Lake Trammel are unclassified water segments and do not have a TMDL identified or scheduled for these segments. Therefore no additional controls or monitoring will be required for the implementation of the SWPPP during the construction activity.

2.6.4 Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. According to the U.S. Fish and Wildlife Service Critical Habitat Portal, http://ecos.fws.gov/crithab/ there are no critical habitats within the vicinity of the construction activity or its discharge. Based on that, discharges of storm water associated with the construction activity and other non-storm water discharges are not expected to adversely affect a listed endangered or threatened species or its critical habitat.

2.6.5 Edwards Aquifer Recharge or Contributing Zone

Storm water discharges associated with the construction activity and other non-storm water discharges from the site is not located within the Edwards Aquifer Recharge Zone or within that area upstream from the recharge zone and defined as the Contributing Zone.

Based on that, Anadarko is not required to comply, prepare and submit the Edwards Aquifer Protection Plan (EAPP) to TCEQ's Edward Aquifer Protection Program.

3.0 Pollution Prevention Measures and Controls

Pollution prevention measures and controls are utilized to reduce the potential for pollutants to contaminate storm water during the construction activity. Such control measures involve the diversion of storm water away from contaminants, maintenance activities that minimize the potential release of contaminants from containers, equipment, and other structures, and removal of pollutants from storm water once it has come in contact with contaminant sources. The measures and controls identified below are selected based on the assessment of on-site sources of contamination.

Pollution prevention measures and controls include BMPs, good housekeeping practices, structural control practices, and maintenance programs for controls. Additional measures and controls include spill response, employee training, periodic inspections, and recordkeeping.

3.1 Best Management Practices

BMPs are schedules of activities, prohibition of practices, maintenance procedures, erosion controls, local ordinances, stabilization practices, and other management practices that can reduce the potential for pollution. BMPs will be implemented as part of the construction activities to reduce potential pollutants in storm water discharges.

The site maps will be kept up-to-date showing structural and non-structural BMPs that may change in location as the work on the construction activity advances.

The location and type of BMPs are summarized below:

- The amount of disturbed area will be minimized to the construction support activities and natural vegetation will be kept in place as applicable;
- The transport of sediment from the construction site onto paved roads will be minimized by utilizing a stabilized construction entrance;
- Site clearing and grading activities will be scheduled in dry periods, when possible;
- Soil stockpiles and disturbed portions of the site where the construction activity temporarily cease will be temporarily stabilized no later than 14 days from the last construction activity to prevent rain from washing away sediment;
- Drainage ditches and the storm water runoff will be protected from disturbance or construction activity using the erosion and sediment controls described below;
- The exposed disturbed areas will be mulched, covered by vegetation, or otherwise stabilized as soon as alterations have been completed;
- The construction entrance will be routinely maintained and kept clean of debris and sediment; and
- Erosion and sediment controls will be inspected and maintained after every rainstorm event or on as needed basis.

3.1.1 Erosion Controls

Prior to initiating construction in a given area, the temporary erosion and sediment control practices will be in place for the area to be disturbed. This section discusses appropriate temporary erosion control practices that may be necessary for the construction activity.

Control measures are properly selected, installed, and maintained according to the manufacturer's or designer's specifications. Controls are developed to minimize the offsite transport of sediment, litter, construction debris, and construction materials.

As installed BMPs are evaluated during inspections, additional BMPs may be implemented to protect storm water. Soil erosion control measures are used to reduce the amount of soil particles carried offsite from a disturbed land area and deposited in receiving waters.

In order to maintain compliance with the GP, sediment will be retained onsite to the maximum extent practicable. Major erosion and sediment controls described below will be installed by the contractor or his subcontractors. If damaged or rendered ineffective, the erosion and sediment controls will be repaired or replaced immediately.

3.1.1.1 Erosion Control Practices

Non-structural BMPs are intended to reduce the generation and accumulation of pollutants, including sediment, from a construction site by stabilizing disturbed areas and preventing the occurrence of erosion. The following stabilization techniques are not only the most effective method for reducing soil loss, but they are normally the most cost effective due to low initial cost and reduced maintenance requirements.

Non-Structural BMPs that will be used at the site include:

- Employee and contractor training – Training programs educate employees and contractors to understand the requirements of the SWPPP as applicable to their roles and responsibilities. Training topics can include storm water management, potential contamination sources, and BMPs. Section 6.3 addresses the requirements associated with training requirements to maintain compliance with the GP.
- Scheduling – A schedule will be prepared by the contractor that includes sequencing the construction activity and the implementation of the erosion and sediment controls while taking local climate into consideration. The objective is to reduce the amount and duration of soil exposed to erosion, wind, rain, runoff, and vehicle tracking.
- Grading techniques – Land grading involves reshaping the ground surface to planned grades as determined by an engineering survey, evaluation, and layout. Techniques include proper cut and fill techniques to ensure stability, crowning or sloping to properly route runoff to outlets, surfacing with gravel to avoid mud and rutting, and surface roughening to reduce runoff velocity, trap sediment, and prepare the soil for seeding and planting.
- Mulching – Mulching uses various types of materials such as grass, hay, wood chips, wood fibers, or straw to stabilize soils by minimizing rainfall impact and reducing storm water runoff velocity. When used in combination with seeding or planting, mulching can aid plant growth by holding seeds, fertilizers, and topsoil in place as shown in Exhibit 1. Mulching is suitable for a soil disturbed area requiring temporary protection until permanent stabilization is established, such as prior to completing backfill activities.

- Seeding, Planting and Sodding – This involves actively establishing appropriate vegetative cover on disturbed areas. Vegetation reduces erosion and sedimentation by stabilizing disturbed areas in a manner that is economical, adaptable to site conditions, and allows selection of the most appropriate plant materials. Vegetation also absorbs the impact of raindrops, reduces the velocity of runoff, reduces runoff volumes by increasing water percolation into the soil, binds soil with roots, and protects soil from wind as shown in Exhibit 2.

Exhibit 1 – Application of typical erosion control straw/hay mulch.

Exhibit 2 – Application of vegetation along drainage ditch.

3.1.2 Stabilization Practices

The disturbed areas (except for the surface of dirt roads or those portions covered by a pavement or a structure) will be stabilized by re-vegetating through the process of seeding and planting. However, surface roughening, mulching, surfacing with gravel or slash, and/or other methods may be used in addition to re-vegetation. Structural controls (such as diversions, berms, and sediment traps) may be re-vegetated and used as permanent measures to minimize pollutants in storm water discharges that will occur after construction operations have been completed.

Soil stabilization controls will be implemented on all freshly graded slopes immediately following completion of the grading activity. Stabilization practices may be included, but are not limited to:

- Establishment of temporary vegetation
- Establishment of permanent vegetation
- Mulching
- Geotextiles
- Sod stabilization
- Vegetative buffer strips
- Protection of existing trees and vegetation

Stabilization measures will be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, and except as provided below, will be initiated no more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.

- Where the initiation of stabilization measures by the 14th day after construction activity temporarily or permanently ceased is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
- Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 21 days, temporary stabilization measures do not have to be initiated on that portion of the site.

After completion of final grading, the disturbed areas will be re-vegetated or stabilized via an equivalent process until areas not covered by impervious materials achieve vegetative density of 70% of the original vegetation density. The temporary soil erosion and sediment control measures will be disposed of within 30 days after final site stabilization is achieved. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures will be permanently stabilized to prevent further erosion and sedimentation. Areas developed as stabilized unpaved surfaces, after interim reclamation, will also qualify as “finally stabilized.” This includes road surfaces and portions of the surface that cannot be re-vegetated due to operational necessity, but does not include slopes, ditches, and other areas where re-vegetation is necessary. Stabilized unpaved surfaces will be prepared in such a way as to prevent ongoing erosion issues.

The following records relating to erosion control and stabilization practices will be maintained as part of this SWPPP:

- The dates when major grading activities occur;
- The dates when construction activities temporarily or permanently cease on a portion of the site; and
- The dates when stabilization measures are initiated.

3.1.3 Source Control Practices

Temporary facilities that have been installed at the site include a construction office trailer with power and sanitation hookups. A trailer to be used as an on-site soil analytical laboratory will be mobilized and located at the staging area, as shown on Figure 2. The staging area will also be used to store the on-site materials and equipment as well as temporary sanitary facilities and a dumpster for trash collection.

If fueling areas will be used within the staging area, appropriate storage containers and secondary containment structures (to include a double-walled tank) will be sized to contain 110 percent of the volume of the largest fuel storage container. The selection of containment equipment and its positioning and use will take into account all of the drip points associated with the fuel filling port and the hose from the fuel delivery truck. Construction crew personnel will attend to the fueling process and to address potential spills using applicable response material and equipment. Absorbent, spill-cleanup materials and spill kits will be available at each construction staging area as appropriate.

Spill prevention and response procedures are discussed in Section 4.0.

3.1.4 Structural Control Practices

Sediment controls handle sediment-laden storm water prior to it leaving the site. Structural controls are used to delay, capture, store, treat, or promote infiltration of storm water runoff.

Structural controls that may be used at the site include:

- Stabilized construction entrance – Construction entrance is a graveled area located at a point allowing vehicles ingress and egress of the construction site. These entrances are placed wherever traffic will leave a construction site and move directly onto an access road. The purpose of the stabilized construction entrance area is to eliminate construction site sediment and soil from leaving the site. The primary construction entrance road is shown on Figure 2. A gravel surface, or equivalent, will be installed at the construction entrance.

  Exhibit 3 shows an example of a stabilized construction site entrance.

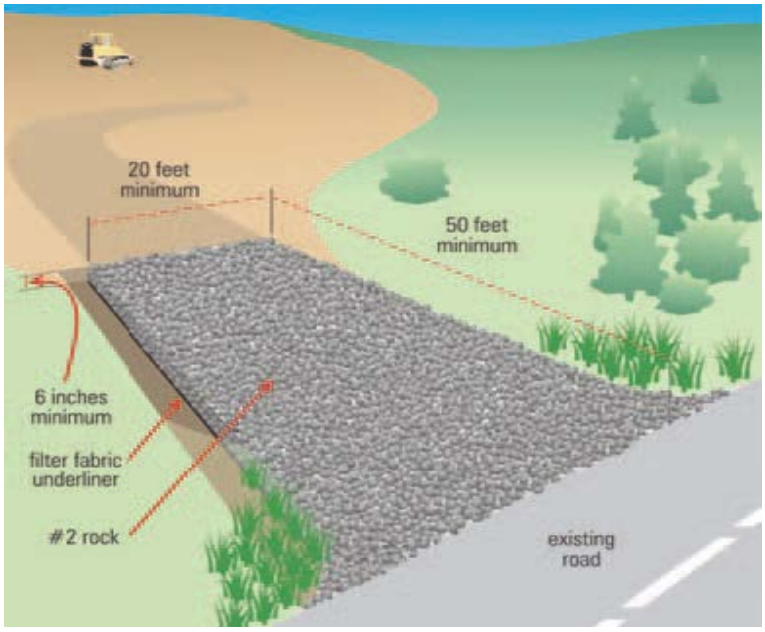

Exhibit 3 – Construction of stabilized construction site entrance.

  Where sediment is transported onto a public road surface or other paved area by equipment or vehicles accessing the site, sediment will be removed as soon as possible from the road by shoveling or sweeping, and will be transported to the SMA. Road washing will be allowed only after the sediment is removed in the above manner.

- Straw Bale Barriers are a series of straw bales placed on a level contour to intercept sheet flows, allowing sediment to settle out. Straw bales consist of approximately five cubic feet of straw and weigh not less than 35 pounds. Bales will be placed in a single row with the end of the bales tightly abutting one another. Each bale will be securely anchored with two rods as site conditions allow.

  Straw bales will be installed on-site on flat level surfaces as shown on Figure 2.

It's important to note that straw bales may not be as effective as fiber roles during heavy rain events or large disturbed areas. In addition, straw bales will require constant maintenance and must be inspected on a daily basis especially during rain events.

Exhibit 4 and Exhibit 5 show appropriate installation and entrenchment procedures

Exhibit 4: Typical Straw Bale Barrier

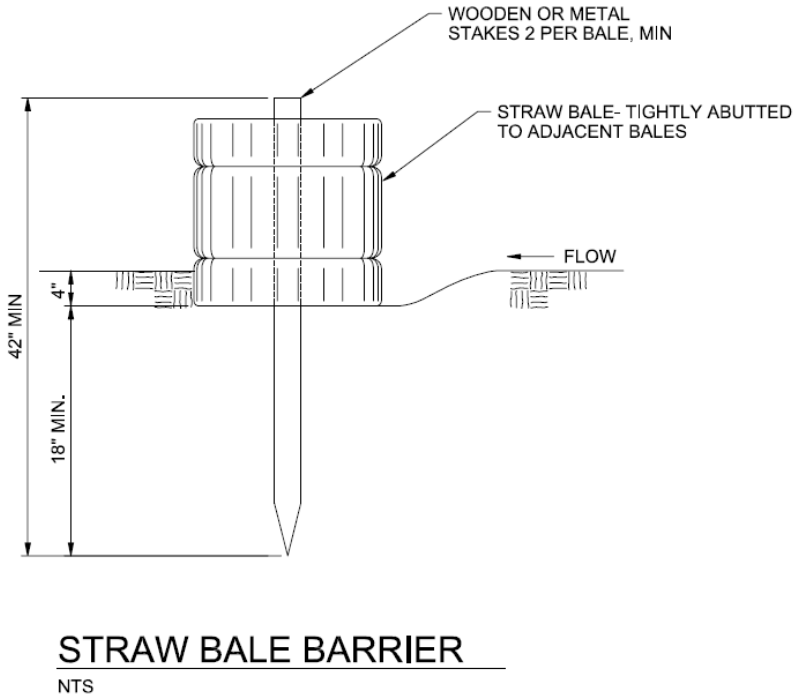

Exhibit 5: Application of Straw Bale

- Fiber Rolls, which are tube-shaped erosion control devices, filled with straw or other composted material wrapped with UV-degradable netting for longevity. Fiber rolls can complement other BMPs used for source control and re-vegetation. Fiber rolls intercept runoff, reduce its flow velocity, release the runoff as sheet flow, and reduce sediment loads to receiving waters by filtering runoff and capturing sediments. Fiber rolls will be used downgradient of the site along the upper gully area as shown on Figure 2.

  Fiber rolls installed will be trenched in and staked using wooden stakes, and will remain in their original location without being moved or re-installed until final site stabilization is achieved.

  Exhibit 6 and Exhibit 7 show appropriate installation and entrenchment procedures.

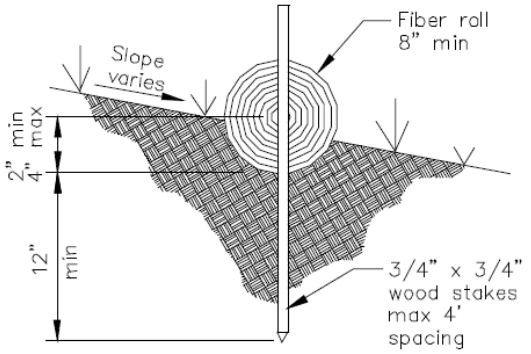

Exhibit 6 – Application of fiber rolls

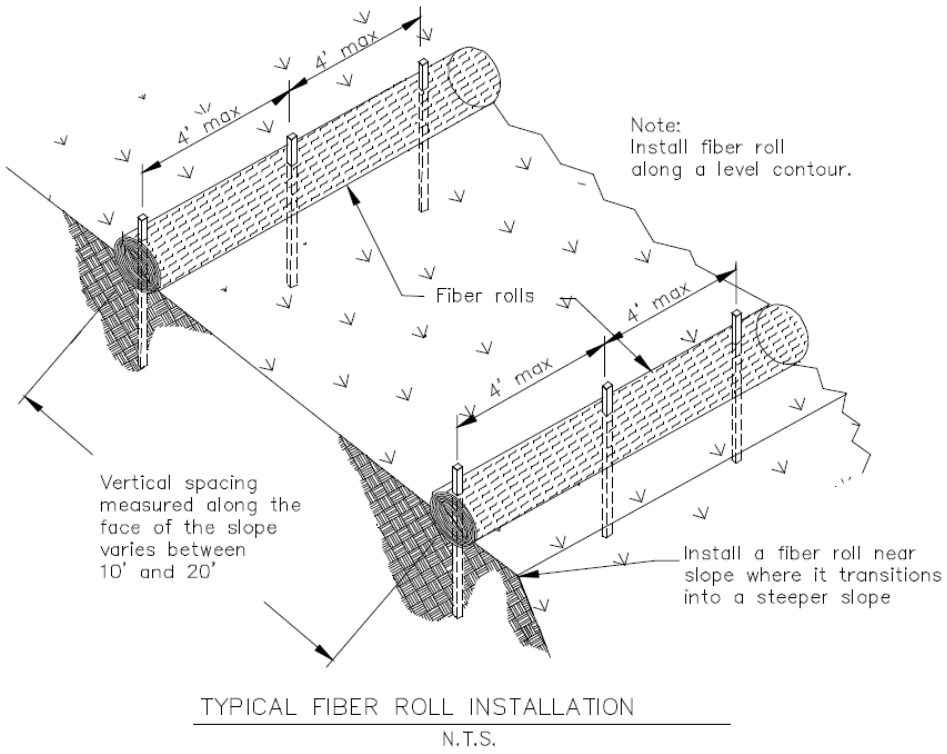

Exhibit 7: Typical Fiber Rolls Installation

- Check Dams are a small barrier constructed of rock, gravel bags, sandbags or reusable products placed across a constructed swale or drainage ditch. Check dams reduce the effective slope of the channel, thereby reducing the velocity of storm water flow, allowing sediment to settle and reducing erosion.
- Check dams will be installed as temporary measures and spaced at appropriate intervals along the construction activity and along the gully area as shown on Figure 2.

Exhibit 8: Typical Rock Check Dam

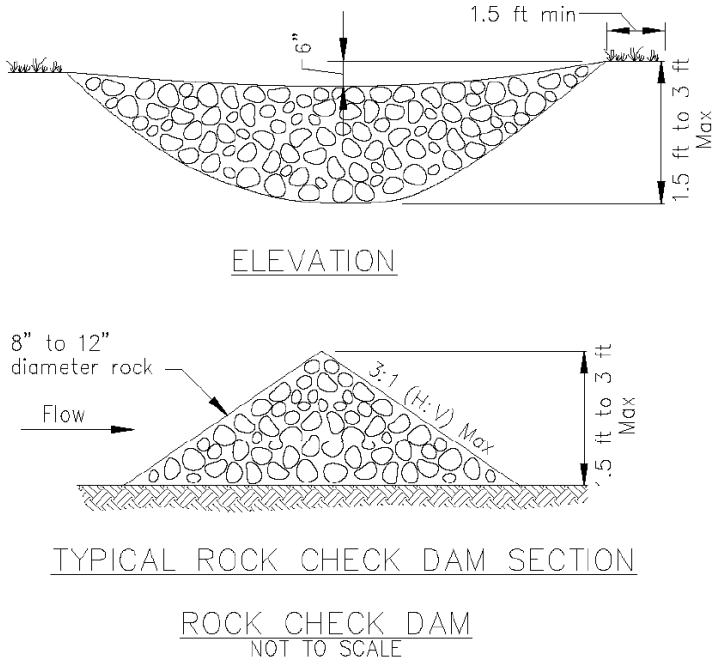

Exhibit 9: Application of Rock Check Dams

- Rip-Rap Slope Protection is constructed by an arranged layer or pile of rock placed over the soil surface on slopes and provides protection against slope erosion in addition to dissipating the energy of storm water runoff. A rip-rap slope protection will be constructed in the lower gully area and prior to storm water discharge into the surrounding ranch land as shown on Figure 2.

  The rip-rap structure will be made of 4 to 12 inch rock diameter; 3 feet wide and at a depth of 18 inches by blending the rip-rap onto the existing ground.

  Maintenance requirements are relatively low for the rip-rap structure, but it will be inspected after heavy rain events and high flows for scouring under the dislodged stones, and repairs must be completed promptly.

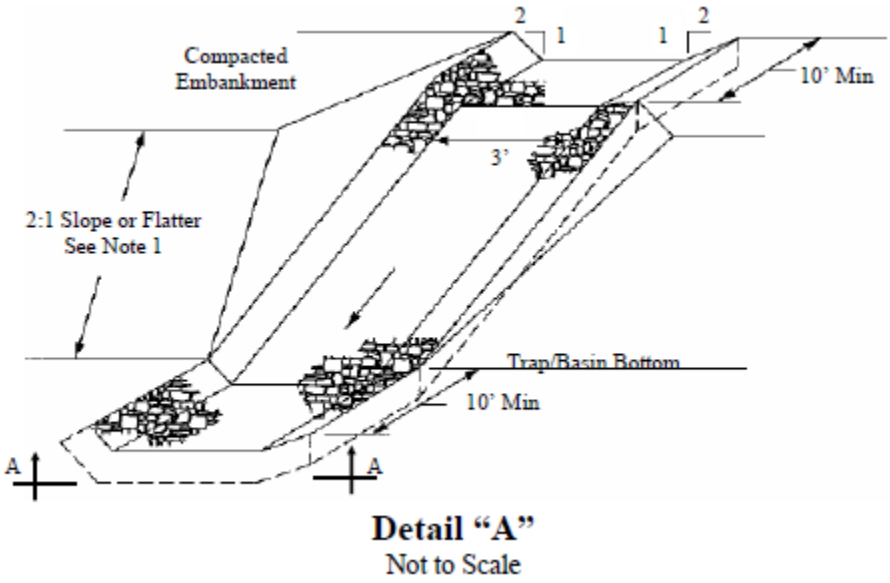

Exhibit 10: Application of Rip-Rap Slope Protection

- Storm water may accumulate in excavations or trenches during the construction activity, and will not be pumped or discharged to the surface without conducting further analysis and evaluation. Otherwise, storm water can be pumped into storage tanks prior to offsite disposal.
- Currently, storm water treatment systems will not be implemented.

At a minimum, BMPs, vegetative buffer strips, or equivalent sediment controls are required for all downgradient boundaries of the construction activity, and for those side slope boundaries deemed appropriate as dictated by site conditions.

3.1.5 Permanent Storm Water Controls

Permanent storm water controls will include planting the disturbed areas with native grasses that can provide flow attenuation and partial vegetative filtration as appropriate to the site.

No additional control measures will be installed during the construction project. Additional control measures required to manage the discharge of pollutants after the completion of the construction activity will be determined at a later stage as needed.

3.3 Other Controls

3.3.1 Good Housekeeping Practices

The proper use of materials and equipment along with the use of general common sense can greatly reduce the potential for contaminating storm water runoff. The following is a list of good housekeeping practices to be used during the construction project:

- Inspect the project area daily to assure proper use, storage, and disposal of onsite materials;
- Locate fuel/material storage areas away from storm water conveyance systems;
- Advise the Construction Manager immediately, verbally, and in writing, of any fuel or toxic material spills onto the project/construction area and the actions taken to remedy the problem. Spills that occur will be cleaned up immediately and reported as appropriate;
- Provide waste receptacles in staging areas and work trailers and dispose of waste regularly;
- Debris and waste will be properly disposed of according to the applicable federal, state, and local laws;
- Provide adequately maintained sanitary facilities;
- Drums and tanks (if any) will be tightly sealed and clearly labeled;
- Equipment used on-site will be regularly inspected;
- Construction materials will be stored in designated areas until these materials are required and will be loaded and off-loaded in designated area; and.
- Structures will be placed next to their installation locations to minimize handling.

3.3.2 Waste Management

a) *Waste Materials*: To the maximum extent practicable, regular trash will be disposed of daily

b) *Hazardous Waste*: Excavated PCB-impacted soil will be initially staged at the SMA prior to offsite disposal as detailed in the RAP. Excavated soil will be managed and classified properly, then disposed of in compliance with federal, state and local regulations as specified in the RAP.

c) *Sanitary Waste*: Portable toilets will be located away from concentrated flow paths and traffic flow. The portable toilets will have collection pans underneath as secondary containment. All sanitary waste will be regularly collected from the portable units by a licensed sanitary waste management contractor.

3.3.3 Vehicle/Equipment Fueling and Maintenance

All on-site vehicles and equipment will be monitored for leaks and receive regular preventive maintenance to reduce the chance of storm water contamination. All major equipment/vehicle fueling

and maintenance will be performed off-site. When equipment/vehicle fueling or minor maintenance must occur on-site, the activity will occur per the BMP as noted in Section 3.1. Absorbent, spill-cleanup materials and spill kits will be available at the staging area. Drip pans will be placed under equipment during minor maintenance activities.

3.3.4 Allowable Non-Storm Water Discharge Management

Water may be used to control dust generated during the construction activities to prevent loss of soil surface, to reduce on-site and offsite damage, to prevent health hazards, and to improve traffic safety. Water will be applied in a controlled manner to reduce runoff.

If irrigation is required for stabilization, irrigation waters will not be applied to impermeable surfaces. Irrigation amounts will be controlled to avoid excess watering and discharges of irrigation water.

4.0 Spill Prevention and Response

4.1 Introduction

This section describes measures to prevent, control, and reduce impacts resulting from a spill of hazardous, toxic, or petroleum substances during construction activity. In the event of a spill, quick and appropriate response can reduce the contamination of storm water. The measures outlined in this SWPPP will assist the construction crew personnel in prevention of offsite releases.

Petroleum products which may be present at the construction site may include: gasoline, diesel, lube oil, in addition to miscellaneous hydraulic and used oils. Containers will be properly labeled and stored in a designated area within secondary containment as applicable. Fuel for vehicles and equipment will be transported and distributed via a fuel truck which will eliminate the need for on-site fuel tanks. During fueling and maintenance, drip pans, drip cloths, or sorbent pads will be used to capture fluids.

4.2 Spill Prevention

Procedures that can reduce the potential of spills from contaminating storm water include:

- Employee training;
- Placing oil, oil-based products and other chemicals inside secondary containment;
- Installation of overfill prevention devices on pumps and tanks;
- Modification of material handling techniques; and
- Routine inspection of vehicles and containers.

4.3 Labeling of Containers

Procedures implemented at the construction site will include that containers are properly labeled and include verification of proper labeling for in-coming and out-going containers.

4.4 Spill Response and Cleanup Procedures

The following items will be implemented in the event of a release or a reportable spill during the construction activity. Spill response and cleanup procedures are arranged in a step-wise fashion to ensure that actions follow a logical sequence in an effective manner. Although the construction crew personnel will be aware of these procedures in the event of an emergency, operational knowledge gained through employee training, will be used to modify the procedures listed below when unforeseen circumstances occur. No single set of procedures is applicable for all spill events.

The following is the overall procedure implemented for spill response:

1. Notify senior management – the first person on the scene will immediately notify responsible personnel using established procedures for emergency contact.

2. Assess the spill – those responsible for spill response will immediately determine:

   - The character, exact source, and amount of any released materials;
   - The need to notify authorities and regulatory agencies, and
   - The actions required to safeguard personnel (i.e., evacuation, personal protection, etc.)

3. Stop flow at source - after all required safety-related measures have been implemented, further release will be prevented, to the extent possible, by terminating flow at the source.

4. Contain the spill - after required safety precautions are followed, and the release is terminated, containment procedures will be implemented. Portable booms, sand bags, and absorbent may be placed around containment points such as perimeter drainage or storm water outfalls.

5. Clean up the spill - to the extent practicable, spilled material will be retrieved and stored in leak-proof containers until proper disposal takes place. Contaminated cleanup equipment will be properly decontaminated or disposed as appropriate. Depending upon the nature and extent of the release, the following procedures will be utilized:

   - Dry clean-up methods will be used, such as sweeping and absorbent pads;
   - When dry clean-up methods are not practical or the spilled substance is a liquid, booms will be used to prevent release of the substance to the storm sewer system; and
   - If appropriate, liquids generated by spills and clean-up activities will be disposed of through an appropriate contractor.

6. Dispose of contaminated material - contaminated material will be disposed of off-site in accordance with federal, state, and local regulations. The exact means of disposal will depend upon the nature and volume of the contaminated material.

   PCB-impacted material will be managed according to the Toxic Substance Control Act (TSCA) found in Title 40 of the Code of Federal Regulations (CFR) Part 761.

7. Record spill event information – a record of the spill event will be completed as soon as practicable. The record will include as much detail as possible and, at a minimum, list the following:

   - Spill location, date, time, duration, and weather conditions;
   - Estimate of the type and amount of material spilled and recovered;
   - Brief description of the cause of the spill;
   - Summary of any environmental damage;
   - List of parties notified; and
   - Description of implemented response procedures.

8. Evaluate response – measures will be identified that might prevent a repeat of the incident.

9. Update the SWPPP –The SWPPP will be revised to reflect any site modifications or changes in operating procedures resulting from the evaluation of the incident and response.

10. Replace used spill equipment - the inventory of response materials and equipment will be assessed and restocked as necessary. The following items will be kept onsite:

    - Absorbent “kitty litter” for oils and liquids;
    - Absorbent pads and blankets for oils and liquids;
    - Fire extinguishers;
    - Shovels; and
    - Miscellaneous clothes, rolls, and blankets.

11. Emergency Phone Numbers - the following telephone numbers are for notification in case of a reportable spill.

    Slade Jordan, JWS Construction Manager ..... (318) 381-1821

    Kurt Webber, AECOM Project Manager..... (972) 735-7067; cell phone (817) 773-6921

    Ross Haeberle, Anadarko Project Manager..... (936) 446-8430

    Federal (National Response Center)..... …1-800-424-8802

    TCEQ Region 3 Office (Monday-Friday) ..... … (325) 698-9674; fax (325) 692-5869

    TCEQ Environmental Release Hotline ..... 1-800-832-8224 (24 Hours)

    Local response officials (fire, police, etc.)..... 911

12. Reportable quantities (RQ) are identified in 30 TAC 327.4 and listed below:

    (a) Hazardous substances

        a. Onto land: Final RQ in Table 302.4 in 40 CFR 302.4;

        b. Into water: Final RQ or 100 lbs., whichever is less if spilled or discharged directly into waters in the state.

    (b) Oil, petroleum product, and used oil

        1) Crude oil (and oil that is neither a petroleum product nor used oil)

            a. Onto land: 210 gallons if spilled or discharged onto land,

            b. Into water: Quantity sufficient to cause a sheen if spilled or discharged directly into waters in the state.

        2) Petroleum products (e.g., gasoline, diesel) and used oil

            c. Onto land: 25 gallons if spilled or discharged onto land,

            d. Into water: Quantity sufficient to cause a sheen if spilled or discharged directly into waters in the state.

    (c) Industrial solid waste or other substances (TCEQ reportable)

        a. Into water: 100 pounds if spilled or directly discharged into waters in the state.

A reportable discharge or spill of these products is a discharge or spill into the environment in a quantity equal to or greater than those listed above in any 24-hour period.

5.0 Maintenance Requirements, Inspection of Controls, and Prohibited Discharges

5.1 Maintenance Requirements

The pollution prevention measures and controls identified in this SWPPP will be maintained in good operating condition and replaced as needed. If through inspections it was determined that the BMPs and structural controls are not operating effectively, maintenance will be performed before the next anticipated storm event to maintain the continued effectiveness of the storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance will be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run over, removed, or otherwise rendered ineffective will be replaced or corrected immediately upon discovery.

For perimeter controls such as straw bales and fiber rolls, the trapped sediment will be removed before it reaches 50% of the above-ground height of the perimeter control.

If sediment escapes the site, accumulations will be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, as adequate. In this case, additional site assessment and remediation may be required for potential PCB-impacted media.

5.2 Inspection of Controls

The construction crew personnel knowledgeable of the SWPPP, will inspect the disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Sediment and erosion control measures identified in the SWPPP will be inspected to ensure that they are operating as intended. Locations where vehicles enter or exit the site will be inspected for evidence of off-site sediment tracking.

Inspections will be conducted once every 14 calendar days on a specifically defined day, regardless of whether or not there has been a rainfall event since the previous inspection, and within 24 hours of the end of a storm event of 0.5 inches or greater. In the event of flooding or other uncontrollable situations which prohibit access to the construction site, inspections will be conducted as soon as practicable. The Inspection Checklist is included in Appendix C.

The SWPPP will be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWPPP will be completed within 14 calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule will be described in the SWPPP and wherever possible, those changes will be implemented before the next storm event or as soon as practicable.

A report summarizing the scope of the inspection, names and qualifications of personnel conducting the inspection, the dates of the inspection, and major observations relating to the implementation of the SWPPP will be made and retained as part of the SWPPP. Major observations will include:

- The locations of discharges of sediment or other pollutants from the construction site;
- The locations of pollution prevention measures and controls that need to be maintained;
- The locations of pollution prevention measures and controls that failed to operate as designed or proved inadequate for a particular location; and
- The locations where additional pollution prevention measures and controls are needed.

Actions taken as a result of the inspections will be described and retained as a part of the SWPPP. Reports must identify any incidents of noncompliance. Where a report does not identify any incidents of noncompliance, the report must contain a certification that the facility or site is in compliance with the SWPPP and this permit. The report must be signed by the Primary Operator and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

5.3 Prohibited Discharges

The following discharges are prohibited during the construction activities:

- Wastewater from wash out of trucks, unless managed by an appropriate control;
- Wastewater from wash out and cleanout of general construction materials;
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
- Soaps or solvents used in vehicle and equipment washing.

5.3.1 Concrete Truck Washout

The scope of work does not currently include concrete production, mixing or placement as related to the construction activity. However, if needed, the general permit authorizes the discharge of wash out water from concrete trucks, provided the following requirements are met:

- Direct discharge of concrete truck washout water to surface water in the state, including discharge to storm sewers, is prohibited by the general permit;
- Concrete truck washout water will be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of washout water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site; and
- Washout of concrete trucks during rainfall events will be minimized. The direct discharge of concrete truck washout water is prohibited at all times, and the operator will insure that its BMPs are sufficient to prevent the discharge of concrete truck washout as the result of a rain event.

6.0 Plan Revisions, Recordkeeping and Training

6.1 Revision of SWPPP

The SWPPP will be revised and updated as follows:

- There is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWPPP;
- Changing site conditions based on updated plans or specifications, new operators, new areas of the responsibility, and changes in BMPs; and
- Results of inspections or investigations by site operators, authorized TCEQ personnel, or federal, state or local agency approving sediment and erosion plans indicate the SWPPP is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

6.2 Retention and Recordkeeping Requirements

The following records will be maintained and attached to the SWPPP in Appendix D, and will be made readily available upon request to state and local agencies when requested:

- The dates when major grading activities occur;
- The dates when construction activities temporarily or permanently cease on a portion of the site; and
- The dates when stabilization measures are initiated.

The Project Owner and/or the Primary Operator will retain the following records for a minimum of three years from the date coverage is terminated under the general permit:

- A copy of the SWPPP; and
- All reports and actions required by this permit, including a copy of the construction site notice and inspection forms.

6.3 Contractor and Employee Training

All contractor and construction crew members will be initially trained on the requirements of the SWPPP and the implementation and maintenance of pollution prevention measures and controls upon initiating project work. The Training Records will be retained on-site and will be made available for inspection if needed. Changes to the BMPs will be communicated to site workers. Contractors participating in the SWPPP will complete the Contractor Certification form included in Appendix E. A training documentation record is included in Appendix F.

A copy of the complete general permit is included in Appendix G.

Completed Inspection Forms will be maintained in Appendix H.

Figures

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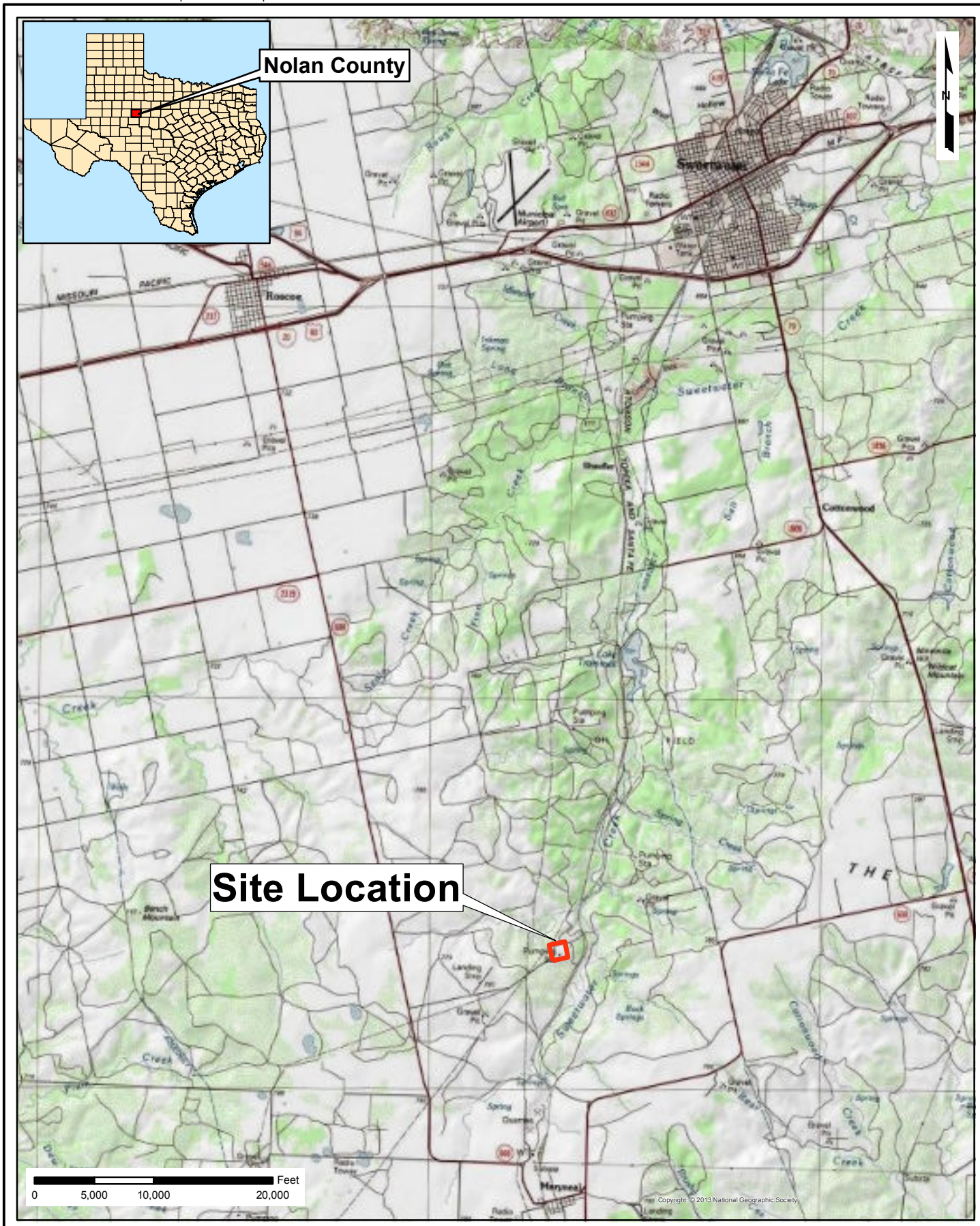


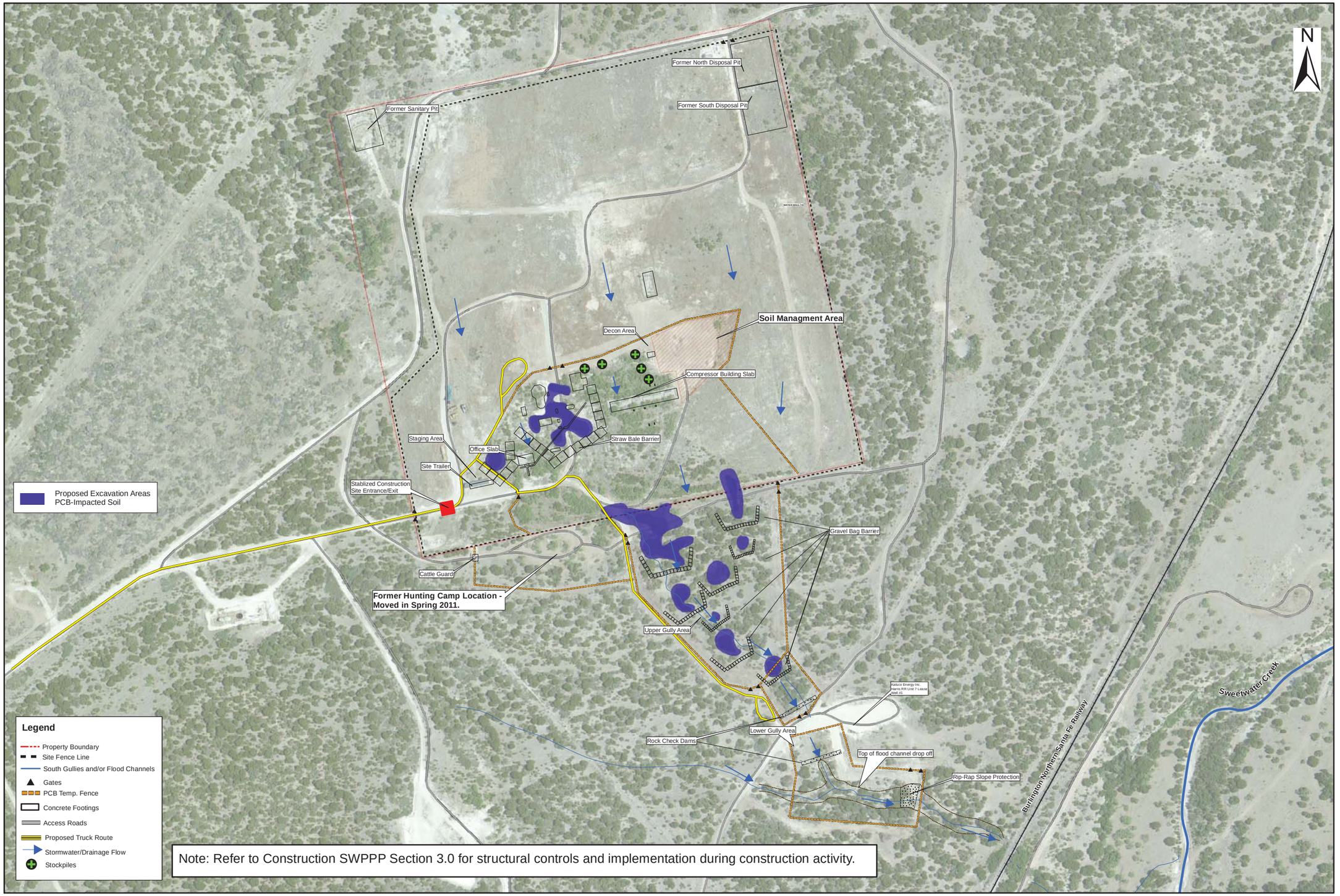
Site Location Map
Former Westlake Natural Gasoline Plant
Anadarko Petroleum Corporation
Nolan County, TX

SCALE: As Shown | DATE: May 2014 | PROJECT #: 60269730

AECOM
16000 Dallas Parkway, Suite 350
Dallas, Texas 75248
T +1 972.735.3000
F +1 972.735.3001
WEB: HTTP://WWW.AECOM.COM

NOTES:
1. Base Image: USGS Topo Map

DRAWING NUMBER:
FIGURE 1
SHEET NUMBER:
1 of 1



Note: Refer to Construction SWPPP Section 3.0 for structural controls and implementation during construction activity.

NOTES:

Aerial Imagery: ESRI 2011 Online Imagery

AECOM
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Dallas, TX, 75248
T +1 972.735.3000
F +1 972.735.3001
WEB: HTTP://WWW.AECOM.COM

Site Layout Map
Construction Stormwater Pollution Prevention Plan
Former Westlake Natural Gasoline Plant
Anadarko Petroleum Corporation
Nolan County, TX

PROJECT #: 60269730

DATE: May 2014

SCALE: As Shown

DRAWING NUMBER:

Figure 2

SHEET NUMBER:

1 of 1

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Appendix A

Remedial Action Plan Drawings

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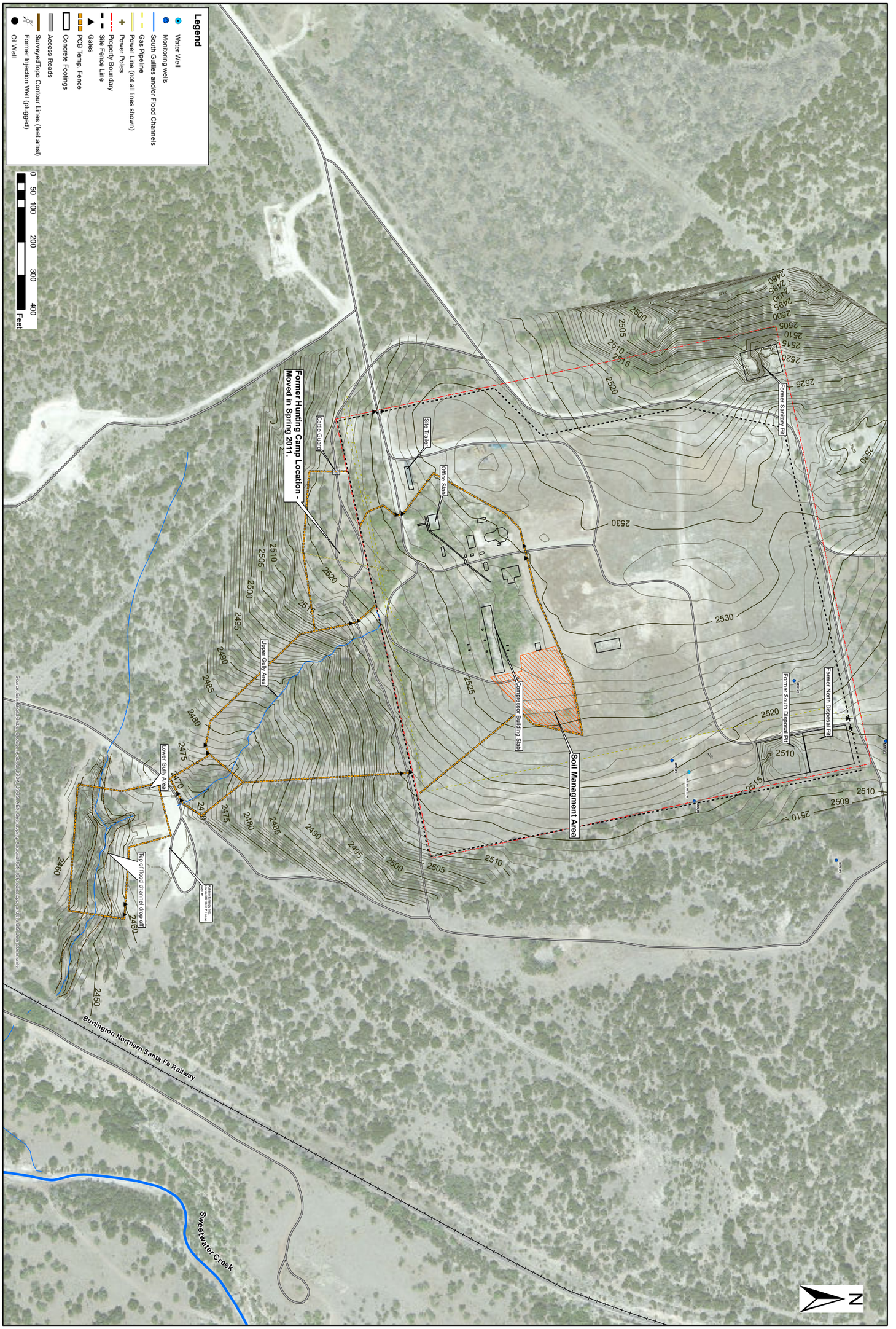

DRAWING NUMBER:	**Figure 2**	
SHEET NUMBER:	1 of 1	

Site Layout
Former Westlake Natural Gasoline Plant
Anadarko Petroleum Corporation
Nolan County, TX

SCALE: As Shown	DATE: May 2014	PROJECT #: 60269730

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16000 Dallas Parkway, Suite 350
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T +1 972.735.3000
F +1 972.735.3001
WEB: HTTP://WWW.AECOM.COM

NOTES:

Aerial Imagery: ESRI 2011 Online Imagery

Compressor Building Slab

Site Trailer

Cattle Guard

Upper Gully Area

Lower Gully Area

Katsco Energy Inc. Harris RR Unit 7 Lease Well #1

Top of flood channel drop off

Proposed Sediment Retention Pond Embankment Location (approximate)

Burlington Northern Santa Fe Railway

N

Proposed Excavation Areas
PCB Concentration Contour Legend

- PCB Contour Shading =/>100 ppm
- PCB Contour Shading 50 to 99.99 ppm
- PCB Contour Shading 25 to 49.99 ppm

Legend

PCB Delineation Sample Locations

- Soil sample < 25 ppm PCBs
- Soil sample 25 to 49.99 ppm PCBs
- Soil sample 50 to 99.99 ppm PCBs
- Soil sample =/> 100 ppm PCBs
- Water Well
- Monitoring wells
- South Gullies and/or Flood Channels
- Gas Pipeline
- Power Line (not all lines shown)
- Power Poles
- Property Boundary
- Site Fence Line
- Gates
- PCB Temp. Fence
- Concrete Footings
- Access Roads
- Former Injection Well (plugged)
- Oil Well

0 25 50 100 150 200 Feet

NOTES:

Aerial Imagery: July 2009 by Aerialviewpoint

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Proposed Excavation Areas
Former Westlake Natural Gasoline Plant
Anadarko Petroleum Corporation
Nolan County, TX

PROJECT #: 60269730

DATE: May 2014

SCALE: As Shown

DRAWING NUMBER:

Figure 4

SHEET NUMBER:

1 of 1

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Appendix B

Small Construction Site Notice

SMALL CONSTRUCTION SITE NOTICE

FOR THE
Texas Commission on Environmental Quality (TCEQ)
Storm Water Program

TPDES GENERAL PERMIT TXR150000

The following information is posted in compliance with **Part II.E.2.** of the TCEQ General Permit Number TXR150000 for discharges of storm water runoff from small construction sites. Additional information regarding the TCEQ storm water permit program may be found on the internet at:

http://www.tceq.state.tx.us/nav/permits/wq_construction.html

Operator Name:	JWS Restoration Services, Inc.
Contact Name and Phone Number:	Slade Jordan (318) 381 - 1821
Project Description: *Physical address or description of the site's location, estimated start date and projected end date, or date that disturbed soils will be stabilized*	Former Westlake Natural Gasoline Plant located in South-Central Nolan County, Texas, approximately 4.5 miles north of the town of Maryneal. Latitude = 32° 17' 29.75" North Longitude = 100° 27' 4.96" W Project Start Date = December 2014 Project End Date = February 2015
Location of Storm Water Pollution Prevention Plan:	Site Trailer

For Small Construction Activities Authorized Under Part II.E.2. (Obtaining Authorization to Discharge) the following certification must be completed:

I _____ (Typed or Printed Name Person Completing This Certification) certify under penalty of law that I have read and understand the eligibility requirements for claiming an authorization under Part II.E.2. of TPDES General Permit TXR150000 and agree to comply with the terms of this permit. A storm water pollution prevention plan has been developed and will be implemented prior to construction, according to permit requirements. A copy of this signed notice is supplied to the operator of the MS4 if discharges enter an MS4. I am aware there are significant penalties for providing false information or for conducting unauthorized discharges, including the possibility of fine and imprisonment for knowing violations.

Signature and Title_____ Date _____

_____*Date Notice Removed*
____*MS4 operator notified per Part II.F.3.*

Appendix C

Inspection and Maintenance Form

Attachment C – Construction SWPPP Inspection Checklist

Project Location: _____

Contractor: _____

Inspector/Title: _____

Date _____

Is copy of SWPPP signed, and in a readily available location? _____

Has a significant change in operations, construction or maintenance occurred since last inspection? _____

Is inspection conducted within the last 14 days? _____

Instructions: This checklist may be used for verification of compliance.

(Check boxes coding: Y=Yes, N=No, P=Partial, A=Not Applicable).

Part 1: Verify what stage of construction project is in and record the dates when the activities started and were completed

		Comments	Start Date	Complete Date
a.	Phase of Construction?			
b.	Site Preparation?			
c.	Trenching?			
d.	Rough Grading Roads?			
e.	Road Construction?			
f.	Final Stabilization?			
g.	BMPs placed in appropriate locations?			

Notes:

Part 2: **Construction project site walk through; look for signs of sediment discharge locations, locations where BMPs need maintenance, locations where there are BMP failures, and locations where additional BMPs are needed.**

MATERIAL STORAGE/WASTE MANAGEMENT AREAS

		Y/N/P/NA	Note
a.	Are there signs of litter, construction debris, or construction materials beyond project site boundary?	☐	
b.	Are chemicals, oil, and fuel containers covered to prevent exposure to precipitation?	☐	
c.	Are waste containers free of leaks, corrosion, and signs of deterioration?	☐	
d.	Are waste containers emptied frequently (No overflowing trash)	☐	

Part 3. Structural, Sediment and Erosion Controls

a.	Construction entrance structure in good condition?	☐	
b.	Are there signs of off-site tracking: sediments, mud, rutting?	☐	
c.	Are gravel/filter berms used in high traffic areas exhibiting visible signs of deterioration or sediment build up?	☐	
	Is silt fencing intact, no gaps and buried ≥ 6" underground and staking adequate?	☐	
e.	Are sediments visible at fence base (should be removed when 1/3 to 1/2 fence height)?	☐	
f.	Are outfall and storm drain inlet protection exhibiting accumulated sediments, or damage?	☐	
g.	Are designated preserved vegetative areas showing signs of encroachment/erosion?	☐	
h.	Are areas where soil roughening techniques are used exhibiting signs of wash-out?	☐	
i.	Are grass-lined channels established, free of litter and soil build-up, and channel cuts unobstructed?	☐	
j.	Are dust control measures in place and appear adequate?	☐	

Observations and areas requiring maintenance include:

Notes:

Part 4. Final Stabilization/Termination Checklist

a.	Are all soil disturbing activities complete?	☐	
b.	Are temporary erosion/sediment control measures removed/will be removed when appropriate?	☐	
c.	Have all areas not covered by impervious materials achieved vegetative density of 70% or of original density?	☐	
d.	Date of final/anticipated stabilization activities?	☐	

Notes:

Part 5: Inspection Report Summary

		Y/N/P/NA	Information/Comments:
a.	Any observations of sediment discharges, pollutants discharges, BMP repairs, BMP failure, or additional BMPs needed?	☐	
b.	Are there any signs of hazardous materials exposed to storm water runoff?	☐	
	– Have any spills in reportable quantities associated with construction activities occurred (Note circumstances surrounding release)?	☐	
	• Was National Response Center notified?	☐	
	• Was permitting authority notified in writing?	☐	

- Was the BMP modified to include:
- Date of Release:
- Circumstances leading to release:*
- Steps taken to prevent reoccurrence*

c. Are changes to the BMPs necessary following this inspection

d. Have any notifications from regulatory agencies advising of changes needed for compliance, occurred?

e. Is this the final inspection report?

Notes:

If construction ceases on the site for more than 14 days, the site must be stabilized until construction resumes.

Date Construction Stopped	Date Construction Resumed	Measure Taken to Stabilize Site

CHECK ONLY IF THIS IS TRUE

❑ Yes There were NO incidents of non-compliance noted during inspection. The facility is in compliance with the Construction SWPPP

Certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision under accordance with a system designed to ensure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature	Printed Name
Date	Title

Appendix D

Recordkeeping

Appendix D – Recordkeeping

The following records must be maintained and attached to the BMP.

1. The dates when major grading activities occur.
2. The dates when construction activities temporarily or permanently cease.
3. The dates when the stabilization measures are initiated.

Appendix E

Contractor Certification

Appendix E - Contractor Certification

Copy/add additional pages as needed.

I certify under penalty of law that I understand the terms and conditions of the TPDES general permit that authorizes storm water discharges associated with industrial activity from the construction site identified as part of this certification.

Signature	For	Responsible For
____________ (Name) ____________ (Position) ____________ (Signature) Date: ____________	____________ (Company) ____________ (Street / P.O. Box) ____________ (City, State, Zip) Phone: ____________	____________ ____________ ____________ (Activity)
____________ (Name) ____________ (Position) ____________ (Signature) Date: ____________	____________ (Company) ____________ (Street / P.O. Box) ____________ (City, State, Zip) Phone: ____________	____________ ____________ ____________ (Activity)
____________ (Name) ____________ (Position) ____________ (Signature) Date: ____________	____________ (Company) ____________ (Street / P.O. Box) ____________ (City, State, Zip) Phone: ____________	____________ ____________ ____________ (Activity)

Appendix F

Training Documentation

Appendix F – Training Documentation

Training Log

Employee Name	Signature	Date

Employee Name	Signature	Date

Appendix G

Construction General Permit TXR150000

Texas Commission on Environmental Quality

P.O. Box 13087, Austin, Texas 78711-3087

GENERAL PERMIT TO DISCHARGE UNDER THE

TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM

under provisions of
Section 402 of the Clean Water Act
and Chapter 26 of the Texas Water Code

This permit supersedes and replaces
TPDES General Permit No. TXR150000, issued March 5, 2008

Construction sites that discharge stormwater associated with construction activity

located in the state of Texas

may discharge to surface water in the state

only according to monitoring requirements and other conditions set forth in this general permit, as well as the rules of the Texas Commission on Environmental Quality (TCEQ or Commission), the laws of the State of Texas, and other orders of the Commission of the TCEQ. The issuance of this general permit does not grant to the permittee the right to use private or public property for conveyance of stormwater and certain non-stormwater discharges along the discharge route. This includes property belonging to but not limited to any individual, partnership, corporation or other entity. Neither does this general permit authorize any invasion of personal rights nor any violation of federal, state, or local laws or regulations. It is the responsibility of the permittee to acquire property rights as may be necessary to use the discharge route.

This general permit and the authorization contained herein shall expire at midnight, five years from the permit effective date.

EFFECTIVE DATE: March 5, 2013

ISSUED DATE: FEB 19 2013

Bryan W. Shaw

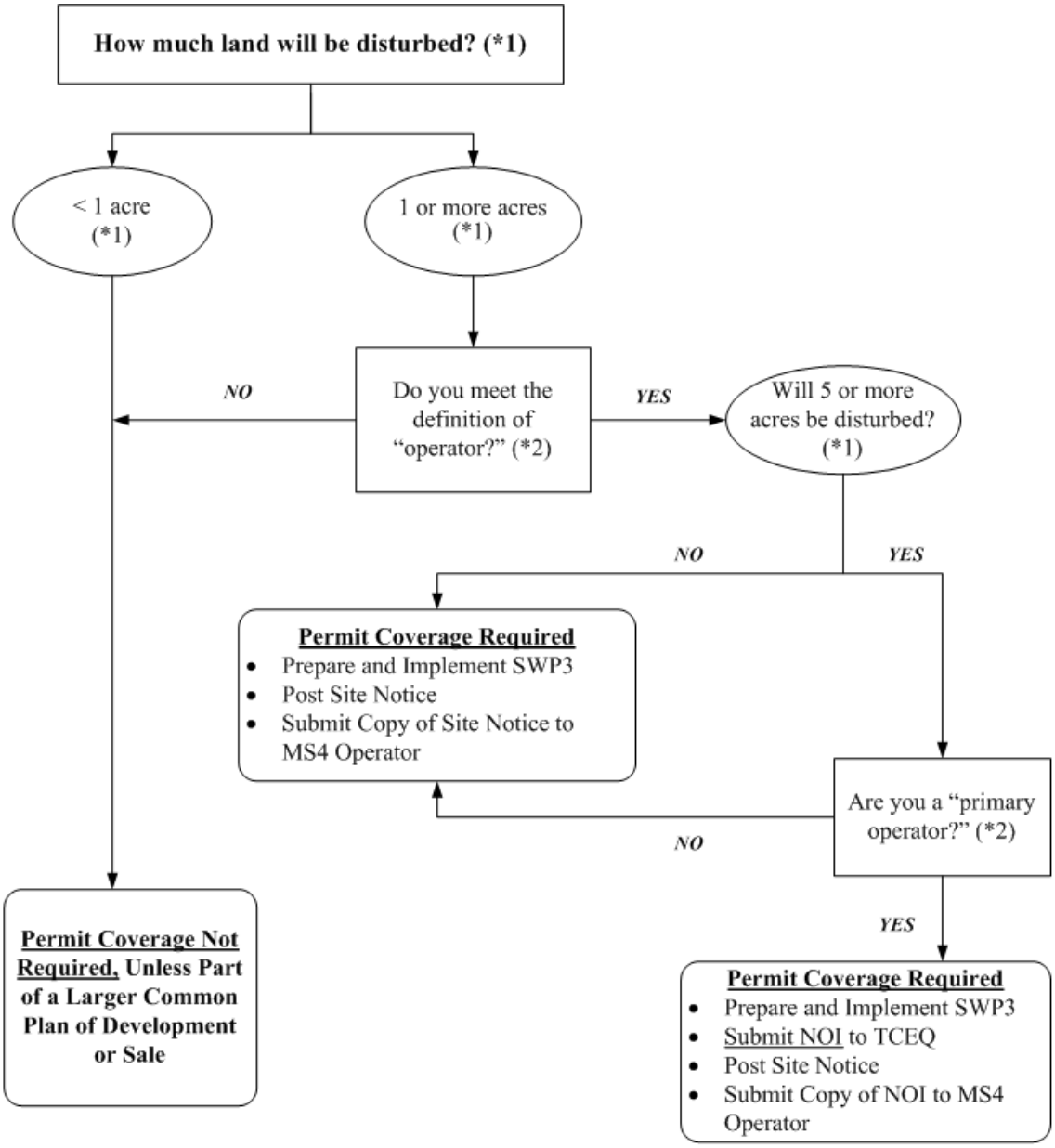
For the Commission

TPDES GENERAL PERMIT NUMBER TXR150000 RELATING TO STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

Table of Contents

Part I. Flow Chart and Definitions

Section A. Flow Chart to Determine Whether Coverage is Required



(*1) To determine the size of the construction project, use the size of the entire area to be disturbed, and include the size of the larger common plan of development or sale, if the project is part of a larger project (refer to Part I.B., "Definitions," for an explanation of "common plan of development or sale").

(*2) Refer to the definitions for "operator," "primary operator," and "secondary operator" in Part I., Section B. of this permit.

Section B. Definitions

Arid Areas - Areas with an average annual rainfall of 0 to 10 inches.

Best Management Practices (BMPs) - Schedules of activities, prohibitions of practices, maintenance procedures, structural controls, local ordinances, and other management practices to prevent or reduce the discharge of pollutants. BMPs also include treatment requirements, operating procedures, and practices to control construction site runoff, spills or leaks, waste disposal, or drainage from raw material storage areas.

Commencement of Construction - The initial disturbance of soils associated with clearing, grading, or excavation activities, as well as other construction-related activities (e.g., stockpiling of fill material, demolition).

Common Plan of Development - A construction activity that is completed in separate stages, separate phases, or in combination with other construction activities. A common plan of development (also known as a "common plan of development or sale") is identified by the documentation for the construction project that identifies the scope of the project, and may include plats, blueprints, marketing plans, contracts, building permits, a public notice or hearing, zoning requests, or other similar documentation and activities. A common plan of development does not necessarily include all construction projects within the jurisdiction of a public entity (e.g., a city or university). Construction of roads or buildings in different parts of the jurisdiction would be considered separate "common plans," with only the interconnected parts of a project being considered part of a "common plan" (e.g., a building and its associated parking lot and driveways, airport runway and associated taxiways, a building complex, etc.). Where discrete construction projects occur within a larger common plan of development or sale but are located ¼ mile or more apart, and the area between the projects is not being disturbed, each individual project can be treated as a separate plan of development or sale, provided that any interconnecting road, pipeline or utility project that is part of the same "common plan" is not included in the area to be disturbed.

Construction Activity - Includes soil disturbance activities, including clearing, grading, and excavating; and does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities). Regulated construction activity is defined in terms of small and large construction activity.

Dewatering – The act of draining rainwater or groundwater from building foundations, vaults, and trenches.

Discharge – For the purposes of this permit, the drainage, release, or disposal of pollutants in stormwater and certain non-stormwater from areas where soil disturbing activities (e.g., clearing, grading, excavation, stockpiling of fill material, and demolition), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck wash out, fueling), or other industrial stormwater directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

Drought-Stricken Area – For the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensify", (2) "Drought ongoing, some improvement", (3) "Drought likely to improve, impacts ease", or (4) "Drought development likely". See http://www.cpc.ncep.noaa.gov/products/expert_assessment/seasonal_drought.html.

Edwards Aquifer - As defined under Texas Administrative Code (TAC) § 213.3 of this title (relating to the Edwards Aquifer), that portion of an arcuate belt of porous, water-bearing, predominantly carbonate rocks known as the Edwards and Associated Limestones in the Balcones Fault Zone trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak

Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Formation, and Georgetown Formation. The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut Formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

Edwards Aquifer Recharge Zone - Generally, that area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as that area designated as such on official maps located in the offices of the Texas Commission on Environmental Quality (TCEQ) and the appropriate regional office. The Edwards Aquifer Map Viewer, located at http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html, can be used to determine where the recharge zone is located.

Edwards Aquifer Contributing Zone - The area or watershed where runoff from precipitation flows downgradient to the recharge zone of the Edwards Aquifer. The contributing zone is located upstream (upgradient) and generally north and northwest of the recharge zone for the following counties: all areas within Kinney County, except the area within the watershed draining to Segment No. 2304 of the Rio Grande Basin; all areas within Uvalde, Medina, Bexar, and Comal Counties; all areas within Hays and Travis Counties, except the area within the watersheds draining to the Colorado River above a point 1.3 miles upstream from Tom Miller Dam, Lake Austin at the confluence of Barrow Brook Cove, Segment No. 1403 of the Colorado River Basin; and all areas within Williamson County, except the area within the watersheds draining to the Lampasas River above the dam at Stillhouse Hollow reservoir, Segment No. 1216 of the Brazos River Basin. The contributing zone is illustrated on the Edwards Aquifer map viewer at http://www.tceq.texas.gov/compliance/field_ops/eapp/mapdisclaimer.html.

Effluent Limitations Guideline (ELG) – Defined in 40 Code of Federal Regulations (CFR) § 122.2 as a regulation published by the Administrator under § 304(b) of the Clean Water Act (CWA) to adopt or revise effluent limitations.

Facility or Activity – For the purpose of this permit, a construction site or construction support activity that is regulated under this general permit, including all contiguous land and fixtures (for example, ponds and materials stockpiles), structures, or appurtances used at a construction site or industrial site described by this general permit.

Final Stabilization - A construction site status where any of the following conditions are met:

A. All soil disturbing activities at the site have been completed and a uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

B. For individual lots in a residential construction site by either:

   (1) the homebuilder completing final stabilization as specified in condition (a) above; or

   (2) the homebuilder establishing temporary stabilization for an individual lot prior to the time of transfer of the ownership of the home to the buyer and after informing the homeowner of the need for, and benefits of, final stabilization. If temporary stabilization is not feasible, then the homebuilder may fulfill this requirement by retaining perimeter controls or BMPs, and informing the homeowner of the need for removal of temporary controls and the establishment of final stabilization.

Fullfillment of this requirement must be documented in the homebuilder's stormwater pollution prevention plan (SWP3).

C. For construction activities on land used for agricultural purposes (such as pipelines across crop or range land), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to surface water and areas that are not being returned to their preconstruction agricultural use must meet the final stabilization conditions of condition (a) above.

D. In arid, semi-arid, and drought-stricken areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:

(1) Temporary erosion control measures (for example, degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by the operator, and

(2) The temporary erosion control measures are selected, designed, and installed to achieve 70% of the native background vegetative coverage within three years.

Hyperchlorination of Waterlines – Treatment of potable water lines or tanks with chlorine for disinfection purposes, typically following repair or partial replacement of the waterline or tank, and subsequently flushing the contents.

Impaired Water - A surface water body that is identified on the latest approved CWA §303(d) List as not meeting applicable state water quality standards. Impaired waters include waters with approved or established total maximum daily loads (TMDLs), and those where a TMDL has been proposed by TCEQ but has not yet been approved or established.

Indian Country Land – (from 40 CFR §122.2) (1) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; (2) all dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and (3) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe - (from 40 CFR §122.2) any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation.

Large Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than five (5) acres of land. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than five (5) acres of land. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.)

Linear Project – Includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Minimize - To reduce or eliminate to the extent achievable using stormwater controls that are technologically available and economically practicable and achievable in light of best industry practices.

Municipal Separate Storm Sewer System (MS4) - A separate storm sewer system owned or operated by the United States, a state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over the disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, that discharges to surface water in the state.

Notice of Change (NOC) – Written notification to the executive director from a discharger authorized under this permit, providing changes to information that was previously provided to the agency in a notice of intent form.

Notice of Intent (NOI) - A written submission to the executive director from an applicant requesting coverage under this general permit.

Notice of Termination (NOT) - A written submission to the executive director from a discharger authorized under a general permit requesting termination of coverage.

Operator - The person or persons associated with a large or small construction activity that is either a primary or secondary operator as defined below:

Primary Operator – the person or persons associated with a large or small construction activity that meets either of the following two criteria:

(a) the person or persons have on-site operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or

(b) the person or persons have day-to-day operational control of those activities at a construction site that are necessary to ensure compliance with a Storm Water Pollution Prevention Plan (SWP3) for the site or other permit conditions (for example, they are authorized to direct workers at a site to carry out activities required by the SWP3 or comply with other permit conditions).

Secondary Operator – The person or entity, often the property owner, whose operational control is limited to:

(a) the employment of other operators, such as a general contractor, to perform or supervise construction activities; or

(b) the ability to approve or disapprove changes to construction plans and specifications, but who does not have day-to-day on-site operational control over construction activities at the site.

Secondary operators must either prepare their own SWP3 or participate in a shared SWP3 that covers the areas of the construction site where they have control over the plans and specifications.

If there is not a primary operator at the construction site, then the secondary operator is defined as the primary operator and must comply with the requirements for primary operators.

Outfall - For the purpose of this permit, a point source at the point where stormwater runoff associated with construction activity discharges to surface water in the state and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances that connect segments of the same stream or other water of the U.S. and are used to convey waters of the U.S.

Permittee - An operator authorized under this general permit. The authorization may be gained through submission of a notice of intent, by waiver, or by meeting the requirements for automatic coverage to discharge stormwater runoff and certain non-stormwater discharges.

Point Source – (from 40 CFR §122.2) Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are, or may be, discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Pollutant - Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into any surface water in the state. The term "pollutant" does not include tail water or runoff water from irrigation or rainwater runoff from cultivated or uncultivated rangeland, pastureland, and farmland. For the purpose of this permit, the term "pollutant" includes sediment.

Pollution - (from Texas Water Code (TWC) §26.001(14)) The alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any surface water in the state that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property or to public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Rainfall Erosivity Factor (R factor) - the total annual erosive potential that is due to climatic effects, and is part of the Revised Universal Soil Loss Equation (RUSLE).

Receiving Water - A "Water of the United States" as defined in 40 CFR §122.2 into which the regulated stormwater discharges.

Semiarid Areas - areas with an average annual rainfall of 10 to 20 inches

Separate Storm Sewer System - A conveyance or system of conveyances (including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying stormwater; that is not a combined sewer, and that is not part of a publicly owned treatment works (POTW).

Small Construction Activity - Construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres of land. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres of land. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (for example, the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing right-of-ways, and similar maintenance activities.)

Steep Slopes – Where a state, Tribe, local government, or industry technical manual (e.g. stormwater BMP manual) has defined what is to be considered a "steep slope", this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

Stormwater (or Stormwater Runoff) - Rainfall runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Associated with Construction Activity - Stormwater runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Structural Control (or Practice) - A pollution prevention practice that requires the construction of a device, or the use of a device, to reduce or prevent pollution in stormwater

runoff. Structural controls and practices may include but are not limited to: silt fences, earthen dikes, drainage swales, sediment traps, check dams, subsurface drains, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

Surface Water in the State - Lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHWM) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all water-courses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulation, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Temporary Stabilization - A condition where exposed soils or disturbed areas are provided a protective cover or other structural control to prevent the migration of pollutants. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either permanent stabilization can be achieved or until further construction activities take place.

Total Maximum Daily Load (TMDL) - The total amount of a pollutant that a water body can assimilate and still meet the Texas Surface Water Quality Standards.

Turbidity – A condition of water quality characterized by the presence of suspended solids and/or organic material.

Waters of the United States - (from 40 CFR §122.2) Waters of the United States or waters of the U.S. means:

(a) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(b) all interstate waters, including interstate wetlands;

(c) all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds that the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:

  (1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

  (2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

  (3) which are used or could be used for industrial purposes by industries in interstate commerce;

(d) all impoundments of waters otherwise defined as waters of the United States under this definition;

(e) tributaries of waters identified in paragraphs (a) through (d) of this definition;

(f) the territorial sea; and

(g) wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR §423.11(m) which also meet the criteria of this definition) are not waters of the U.S. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the U.S. (such as

disposal area in wetlands) nor resulted from the impoundment of waters of the U.S. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with EPA.

Part II. Permit Applicability and Coverage

Section A. Discharges Eligible for Authorization

1. Stormwater Associated with Construction Activity

Discharges of stormwater runoff from small and large construction activities may be authorized under this general permit.

2. Discharges of Stormwater Associated with Construction Support Activities

Examples of construction support activities include, but are not limited to, concrete batch plants, rock crushers, asphalt batch plants, equipment staging areas, material storage yards, material borrow areas, and excavated material disposal areas. Construction support activities authorized under this general permit are not commercial operations, and do not serve multiple unrelated construction projects. Discharges of stormwater runoff from construction support activities may be authorized under this general permit, provided that the following conditions are met:

(a) the activities are located within one (1) mile from the boundary of the permitted construction site and directly support the construction activity;

(b) an SWP3 is developed for the permitted construction site according to the provisions of this general permit, and includes appropriate controls and measures to reduce erosion and discharge of pollutants in stormwater runoff from the construction support activities; and

(c) the construction support activities either do not operate beyond the completion date of the construction activity or, at the time that they do, are authorized under separate Texas Pollutant Discharge Elimination System (TPDES) authorization. Separate TPDES authorization may include the TPDES Multi Sector General Permit (MSGP), TXR050000 (related to stormwater discharges associated with industrial activity), separate authorization under this general permit if applicable, coverage under an alternative general permit if available, or authorization under an individual water quality permit.

3. Non-Stormwater Discharges

The following non-stormwater discharges from sites authorized under this general permit are also eligible for authorization under this general permit:

(a) discharges from fire fighting activities (fire fighting activities do not include washing of trucks, run-off water from training activities, test water from fire suppression systems, or similar activities);

(b) uncontaminated fire hydrant flushings (excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life), which include flushings from systems that utilize potable water, surface water, or groundwater that does not contain additional pollutants (uncontaminated fire hydrant flushings do not include systems utilizing reclaimed wastewater as a source water);

(c) water from the routine external washing of vehicles, the external portion of buildings or structures, and pavement, where detergents and soaps are not used, where spills or leaks of toxic or hazardous materials have not occurred (unless spilled materials

have been removed; and if local state, or federal regulations are applicable, the materials are removed according to those regulations), and where the purpose is to remove mud, dirt, or dust;

(d) uncontaminated water used to control dust;

(e) potable water sources, including waterline flushings, but excluding discharges of hyperchlorinated water, unless the water is first dechlorinated and discharges are not expected to adversely affect aquatic life;

(f) uncontaminated air conditioning condensate;

(g) uncontaminated ground water or spring water, including foundation or footing drains where flows are not contaminated with industrial materials such as solvents; and

(h) lawn watering and similar irrigation drainage.

4. Other Permitted Discharges

Any discharge authorized under a separate National Pollutant Discharge Elimination System (NPDES), TPDES, or TCEQ permit may be combined with discharges authorized by this general permit, provided those discharges comply with the associated permit.

Section B. Concrete Truck Wash Out

The wash out of concrete trucks at regulated construction sites must be performed in accordance with the requirements of Part V of this general permit.

Section C. Limitations on Permit Coverage

1. Post Construction Discharges

Discharges that occur after construction activities have been completed, and after the construction site and any supporting activity site have undergone final stabilization, are not eligible for coverage under this general permit. Discharges originating from the sites are not authorized under this general permit following the submission of the notice of termination (NOT) or removal of the appropriate site notice, as applicable, for the regulated construction activity.

2. Prohibition of Non-Stormwater Discharges

Except as otherwise provided in Part II.A. of this general permit, only discharges that are composed entirely of stormwater associated with construction activity may be authorized under this general permit.

3. Compliance With Water Quality Standards

Discharges to surface water in the state that would cause, have the reasonable potential to cause, or contribute to a violation of water quality standards or that would fail to protect and maintain existing designated uses are not eligible for coverage under this general permit. The executive director may require an application for an individual permit or alternative general permit (see Parts II.H.2. and 3.) to authorize discharges to surface water in the state if the executive director determines that any activity will cause, has the reasonable potential to cause, or contribute to a violation of water quality standards or is found to cause, has the reasonable potential to cause, or contribute to, the impairment of a designated use. The executive director may also require an application for an individual permit considering factors described in Part II.H.2. of this general permit.

4. Impaired Receiving Waters and Total Maximum Daily Load (TMDL) Requirements

New sources or new discharges of the pollutants of concern to impaired waters are not authorized by this permit unless otherwise allowable under 30 TAC Chapter 305 and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the EPA approved CWA §303(d) List. Pollutants of concern are those for which the water body is listed as impaired.

Discharges of the pollutants of concern to impaired water bodies for which there is a TMDL are not eligible for this general permit unless they are consistent with the approved TMDL. Permittees must incorporate the conditions and requirements applicable to their discharges into their SWP3, in order to be eligible for coverage under this general permit. For consistency with the construction stormwater-related items in an approved TMDL, the SWP3 must be consistent with any applicable condition, goal, or requirement in the TMDL, TMDL Implementation Plan (I-Plan), or as otherwise directed by the executive director.

5. Discharges to the Edwards Aquifer Recharge or Contributing Zone

Discharges cannot be authorized by this general permit where prohibited by 30 TAC Chapter 213 (relating to Edwards Aquifer). In addition, commencement of construction (i.e., the initial disturbance of soils associated with clearing, grading, or excavating activities, as well as other construction-related activities such as stockpiling of fill material and demolition) at a site regulated under 30 TAC Chapter 213, may not begin until the appropriate Edwards Aquifer Protection Plan (EAPP) has been approved by the TCEQ's Edwards Aquifer Protection Program.

(a) For new discharges located within the Edwards Aquifer Recharge Zone, or within that area upstream from the recharge zone and defined as the Contributing Zone (CZ), operators must meet all applicable requirements of, and operate according to, 30 TAC Chapter 213 (Edwards Aquifer Rule) in addition to the provisions and requirements of this general permit.

(b) For existing discharges located within the Edwards Aquifer Recharge Zone, the requirements of the agency-approved Water Pollution Abatement Plan (WPAP) under the Edwards Aquifer Rule is in addition to the requirements of this general permit. BMPs and maintenance schedules for structural stormwater controls, for example, may be required as a provision of the rule. All applicable requirements of the Edwards Aquifer Rule for reductions of suspended solids in stormwater runoff are in addition to the requirements in this general permit for this pollutant.

6. Discharges to Specific Watersheds and Water Quality Areas

Discharges otherwise eligible for coverage cannot be authorized by this general permit where prohibited by 30 TAC Chapter 311 (relating to Watershed Protection) for water quality areas and watersheds.

7. Protection of Streams and Watersheds by Other Governmental Entities

This general permit does not limit the authority or ability of federal, other state, or local governmental entities from placing additional or more stringent requirements on construction activities or discharges from construction activities. For example, this permit does not limit the authority of a home-rule municipality provided by Texas Local Government Code §401.002.

8. Indian Country Lands

Stormwater runoff from construction activities occurring on Indian Country lands are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES

regulations, authority for these discharges must be obtained from the U.S. Environmental Protection Agency (EPA).

9. Oil and Gas Production

Stormwater runoff from construction activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline, are not under the authority of the TCEQ and are not eligible for coverage under this general permit. If discharges of stormwater require authorization under federal NPDES regulations, authority for these discharges must be obtained from the EPA.

10. Stormwater Discharges from Agricultural Activities

Stormwater discharges from agricultural activities that are not point source discharges of stormwater are not subject to TPDES permit requirements. These activities may include clearing and cultivating ground for crops, construction of fences to contain livestock, construction of stock ponds, and other similar agricultural activities. Discharges of stormwater runoff associated with the construction of facilities that are subject to TPDES regulations, such as the construction of concentrated animal feeding operations, would be point sources regulated under this general permit.

11. Endangered Species Act

Discharges that would adversely affect a listed endangered or threatened aquatic or aquatic-dependent species or its critical habitat are not authorized by this permit, unless the requirements of the Endangered Species Act are satisfied. Federal requirements related to endangered species apply to all TPDES permitted discharges and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved. If a permittee has concerns over potential impacts to listed species, the permittee may contact TCEQ for additional information.

12. Other

Nothing in Part II of the general permit is intended to negate any person's ability to assert the force majeure (act of God, war, strike, riot, or other catastrophe) defenses found in 30 TAC §70.7.

Section D. Deadlines for Obtaining Authorization to Discharge

1. Large Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction occurs on or after the effective date of this general permit must be authorized, either under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

(b) Ongoing Construction - Operators of large construction activities continuing to operate after the effective date of this permit, and authorized under TPDES general permit TXR150000 (effective on March 5, 2008), must submit an NOI to renew authorization or a NOT to terminate coverage under this general permit within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous TPDES permit.

2. Small Construction Activities

(a) New Construction - Discharges from sites where the commencement of construction occurs on or after the effective date of this general permit must be authorized, either

under this general permit or a separate TPDES permit, prior to the commencement of those construction activities.

(b) Ongoing Construction - Discharges from ongoing small construction activities that commenced prior to the effective date of this general permit, and that would not meet the conditions to qualify for termination of this permit as described in Part II.E. of this general permit, must meet the requirements to be authorized, either under this general permit or a separate TPDES permit, within 90 days of the effective date of this general permit. During this interim period, as a requirement of this TPDES permit, the operator must continue to meet the conditions and requirements of the previous TPDES permit.

Section E. Obtaining Authorization to Discharge

1. Automatic Authorization for Small Construction Activities With Low Potential for Erosion:

If all of the following conditions are met, then a small construction activity is determined to occur during periods of low potential for erosion, and a site operator may be automatically authorized under this general permit without being required to develop an SWP3 or submit an NOI:

(a) the construction activity occurs in a county listed in Appendix A;

(b) the construction activity is initiated and completed, including either final or temporary stabilization of all disturbed areas, within the time frame identified in Appendix A for the location of the construction site;

(c) all temporary stabilization is adequately maintained to effectively reduce or prohibit erosion, permanent stabilization activities have been initiated, and a condition of final stabilization is completed no later than 30 days following the end date of the time frame identified in Appendix A for the location of the construction site;

(d) the permittee signs a completed TCEQ construction site notice, including the certification statement;

(e) a signed copy of the construction site notice is posted at the construction site in a location where it is readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction activities, and maintained in that location until completion of the construction activity;

(f) a copy of the signed and certified construction site notice is provided to the operator of any MS4 receiving the discharge at least two days prior to commencement of construction activities;

(g) any supporting concrete batch plant or asphalt batch plant is separately authorized for discharges of stormwater runoff or other non-stormwater discharges under an individual TPDES permit, another TPDES general permit, or under an individual TCEQ permit where stormwater and non-stormwater is disposed of by evaporation or irrigation (discharges are adjacent to water in the state); and

(h) any non-stormwater discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

Part II.G. of this general permit describes how an operator may apply for and obtain a waiver from permitting, for certain small construction activities that occur during a period with a low potential for erosion, where automatic authorization under this section is not available.

2. Automatic Authorization For All Other Small Construction Activities:

Operators of small construction activities not described in Part II.E.1. above may be automatically authorized under this general permit, and operators of these sites shall not be required to submit an NOI, provided that they meet all of the following conditions:

(a) develop a SWP3 according to the provisions of this general permit, that covers either the entire site or all portions of the site for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) sign and certify a completed TCEQ small construction site notice, post the notice at the construction site in a location where it is safely and readily available for viewing by the general public, local, state, and federal authorities, prior to commencing construction, and maintain the notice in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities); and

(c) provide a copy of the signed and certified construction site notice to the operator of any municipal separate storm sewer system receiving the discharge prior to commencement of construction activities.

Operators of small construction activities as defined in Part I.B of this general permit shall not submit an NOI for coverage unless otherwise required by the executive director.

As described in Part I (Definitions) of this general permit, large construction activities include those that will disturb less than five (5) acres of land, but that are part of a larger common plan of development or sale that will ultimately disturb five (5) or more acres of land, and must meet the requirements of Part II.E.3. below.

3. Authorization for Large Construction Activities:

Operators of large construction activities that qualify for coverage under this general permit must meet all of the following conditions:

(a) develop a SWP3 according to the provisions of this general permit that covers either the entire site or all portions of the site for which the applicant is the operator, and implement that plan prior to commencing construction activities;

(b) primary operators must submit an NOI, using a form provided by the executive director, at least seven (7) days prior to commencing construction activities, or if utilizing electronic submittal, prior to commencing construction activities. If an additional primary operator is added after the initial NOI is submitted, the new primary operator must submit an NOI at least seven (7) days before assuming operational control, or if utilizing electronic NOI submittal, prior to assuming operational control. If the primary operator changes after the initial NOI is submitted, the new primary operator must submit a paper NOI or an electronic NOI at least ten (10) days before assuming operational control;

(c) all operators of large construction activities must post a site notice in accordance with Part III.D.2. of this permit. The site notice must be located where it is safely and readily available for viewing by the general public, local, state, and federal authorities prior to commencing construction, and must be maintained in that location until completion of the construction activity (for linear construction activities, e.g. pipeline or highway, the site notice must be placed in a publicly accessible location near where construction is actively underway; notice for these linear sites may be relocated, as necessary, along the length of the project, and the notice must be safely and readily available for viewing by the general public; local, state, and federal authorities);

(d) prior to commencing construction activities, all primary operators must (1) provide a copy of the signed NOI to the operator of any MS4 receiving the discharge and to any secondary construction operator, and (2) list in the SWP3 the names and addresses of all MS4 operators receiving a copy;

(e) all persons meeting the definition of "secondary operator" in Part I of this permit are hereby notified that they are regulated under this general permit, but are not required to submit an NOI, provided that a primary operator at the site has submitted an NOI, or is required to submit an NOI, and the secondary operator has provided notification to the operator(s) of the need to obtain coverage (with records of notification available upon request). Any secondary operator notified under this provision may alternatively submit an NOI under this general permit, may seek coverage under an alternative TPDES individual permit, or may seek coverage under an alternative TPDES general permit if available; and

(f) all secondary operators must provide a copy of the signed and certified Secondary Operator construction site notice to the operator of any MS4 receiving the discharge prior to commencement of construction activities.

4. Waivers for Small Construction Activities:

Part II.G. describes how operators of certain small construction activities may obtain a waiver from coverage.

5. Effective Date of Coverage

(a) Operators of small construction activities as described in either Part II.E.1. or II.E.2. above are authorized immediately following compliance with the applicable conditions of Part II.E.1. or II.E.2. Secondary operators of large construction activities as described in Part II.E.3. above are authorized immediately following compliance with the applicable conditions in Part II.E.3. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

(b) Primary operators of large construction activities as described in Part II.E.3. above are provisionally authorized seven (7) days from the date that a completed NOI is postmarked for delivery to the TCEQ, unless otherwise notified by the executive director. If electronic submission of the NOI is provided, and unless otherwise notified by the executive director, primary operators are authorized immediately following confirmation of receipt of the NOI by the TCEQ. Authorization is non-provisional when the executive director finds the NOI is administratively complete and an authorization number is issued for the activity. For activities located in areas regulated by 30 TAC Chapter 213, related to the Edwards Aquifer, this authorization to discharge is separate from the requirements of the operator's responsibilities under that rule. Construction may not commence for sites regulated under 30 TAC Chapter 213 until all applicable requirements of that rule are met.

(c) Operators are not prohibited from submitting late NOIs or posting late notices to obtain authorization under this general permit. The TCEQ reserves the right to take appropriate enforcement actions for any unpermitted activities that may have occurred between the time construction commenced and authorization was obtained.

6. Notice of Change (NOC)

If relevant information provided in the NOI changes, an NOC must be submitted at least 14 days before the change occurs, if possible. Where 14-day advance notice is not possible, the operator must submit an NOC within 14 days of discovery of the change. If

the operator becomes aware that it failed to submit any relevant facts or submitted incorrect information in an NOI, the correct information must be provided to the executive director in an NOC within 14 days after discovery. The NOC shall be submitted on a form provided by the executive director, or by letter if an NOC form is not available. A copy of the NOC must also be provided to the operator of any MS4 receiving the discharge, and a list must be included in the SWP3 that includes the names and addresses of all MS4 operators receiving a copy.

Information that may be included on an NOC includes, but is not limited to, the following: the description of the construction project, an increase in the number of acres disturbed (for increases of one or more acres), or the operator name. A transfer of operational control from one operator to another, including a transfer of the ownership of a company, may not be included in an NOC.

A transfer of ownership of a company includes changes to the structure of a company, such as changing from a partnership to a corporation or changing corporation types, so that the filing number (or charter number) that is on record with the Texas Secretary of State must be changed.

An NOC is not required for notifying TCEQ of a decrease in the number of acres disturbed. This information must be included in the SWP3 and retained on site.

7. Signatory Requirement for NOI Forms, Notice of Termination (NOT) Forms, NOC Letters, and Construction Site Notices

NOI forms, NOT forms, NOC letters, and Construction Site Notices that require a signature must be signed according to 30 TAC § 305.44 (relating to Signatories for Applications).

8. Contents of the NOI

The NOI form shall require, at a minimum, the following information:

(a) the TPDES CGP authorization number for existing authorizations under this general permit, where the operator submits an NOI to renew coverage within 90 days of the effective date of this general permit;

(b) the name, address, and telephone number of the operator filing the NOI for permit coverage;

(c) the name (or other identifier), address, county, and latitude/longitude of the construction project or site;

(d) the number of acres that will be disturbed by the applicant;

(e) confirmation that the project or site will not be located on Indian Country lands;

(f) confirmation that a SWP3 has been developed in accordance with this general permit, that it will be implemented prior to construction, and that it is compliant with any applicable local sediment and erosion control plans; for multiple operators who prepare a shared SWP3, the confirmation for an operator may be limited to its obligations under the SWP3 provided all obligations are confirmed by at least one operator;

(g) name of the receiving water(s);

(h) the classified segment number for each classified segment that receives discharges from the regulated construction activity (if the discharge is not directly to a classified segment, then the classified segment number of the first classified segment that those discharges reach); and

(i) the name of all surface waters receiving discharges from the regulated construction activity that are on the latest EPA-approved CWA § 303(d) List of impaired waters.

Section F. Terminating Coverage

1. Notice of Termination (NOT) Required

Each operator that has submitted an NOI for authorization under this general permit must apply to terminate that authorization following the conditions described in this section of the general permit. Authorization must be terminated by submitting an NOT on a form supplied by the executive director. Authorization to discharge under this general permit terminates at midnight on the day the NOT is postmarked for delivery to the TCEQ. If electronic submission of the NOT is provided, authorization to discharge under this permit terminates immediately following confirmation of receipt of the NOT by the TCEQ. Compliance with the conditions and requirements of this permit is required until an NOT is submitted.

The NOT must be submitted to TCEQ, and a copy of the NOT provided to the operator of any MS4 receiving the discharge (with a list in the SWP3 of the names and addresses of all MS4 operators receiving a copy), within 30 days after any of the following conditions are met:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or

(c) the operator has obtained alternative authorization under an individual TPDES permit or alternative TPDES general permit.

2. Minimum Contents of the NOT

The NOT form shall require, at a minimum, the following information:

(a) if authorization was granted following submission of an NOI, the permittee's site-specific TPDES authorization number for the construction site;

(b) an indication of whether the construction activity is completed or if the permittee is simply no longer an operator at the site;

(c) the name, address, and telephone number of the permittee submitting the NOT;

(d) the name (or other identifier), address, county, and location (latitude/longitude) of the construction project or site; and

(e) a signed certification that either all stormwater discharges requiring authorization under this general permit will no longer occur, or that the applicant is no longer the operator of the facility or construction site, and that all temporary structural erosion controls have either been removed, will be removed on a schedule defined in the SWP3, or have been transferred to a new operator if the new operator has applied for permit coverage. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

3. Termination of Coverage for Small Construction Sites and for Secondary Operators at Large Construction Sites

Each operator that has obtained automatic authorization and has not been required to submit an NOI must remove the site notice upon meeting any of the conditions listed below, complete the applicable portion of the site notice related to removal of the site notice, and submit a copy of the completed site notice to the operator of any MS4 receiving the discharge (or provide alternative notification as allowed by the MS4 operator, with documentation of such notification included in the SWP3), within 30 days of meeting any of the following conditions:

(a) final stabilization has been achieved on all portions of the site that are the responsibility of the permittee;

(b) a transfer of operational control has occurred (See Section II.F.4. below); or

(c) the operator has obtained alternative authorization under an individual or general TPDES permit.

Authorization to discharge under this general permit terminates immediately upon removal of the applicable site notice. Compliance with the conditions and requirements of this permit is required until the site notice is removed.

4. Transfer of Operational Control

Coverage under this general permit is not transferable. A transfer of operational control includes changes to the structure of a company, such as changing from a partnership to a corporation, or changing to a different corporation type such that a different filing (or charter) number is established with the Texas Secretary of State.

When the primary operator of a large construction activity changes or operational control is transferred, the original operator must submit an NOT within ten (10) days prior to the date that responsibility for operations terminates, and the new operator must submit an NOI at least ten (10) days prior to the transfer of operational control, in accordance with condition (a) or (b) below. A copy of the NOT must be provided to the operator of any MS4 receiving the discharge in accordance with Section II.F.1. above.

Operators of regulated construction activities who are not required to submit an NOI must remove the original site notice, and the new operator must post the required site notice prior to the transfer of operational control, in accordance with condition (a) or (b) below. A copy of the completed site notice must be provided to the operator of any MS4 receiving the discharge, in accordance with Section II.F.3. above.

A transfer of operational control occurs when either of the following criteria is met:

(a) Another operator has assumed control over all areas of the site that have not been finally stabilized; and all silt fences and other temporary erosion controls have either been removed, scheduled for removal as defined in the SWP3, or transferred to a new operator, provided that the permitted operator has attempted to notify the new operator in writing of the requirement to obtain permit coverage. Record of this notification (or attempt at notification) shall be retained by the operator in accordance with Part VI of this permit. Erosion controls that are designed to remain in place for an indefinite period, such as mulches and fiber mats, are not required to be removed or scheduled for removal.

(b) A homebuilder has purchased one or more lots from an operator who obtained coverage under this general permit for a common plan of development or sale. The homebuilder is considered a new operator and shall comply with the requirements listed above, including the development of a SWP3 if necessary. Under these circumstances, the homebuilder is only responsible for compliance with the general permit requirements as they apply to lot(s) it has operational control over, and the original operator remains responsible for common controls or discharges, and must amend its SWP3 to remove the lot(s) transferred to the homebuilder.

Section G. Waivers from Coverage

The executive director may waive the otherwise applicable requirements of this general permit for stormwater discharges from small construction activities under the terms and conditions described in this section.

1. Waiver Applicability and Coverage

Operators of small construction activities may apply for and receive a waiver from the requirements to obtain authorization under this general permit, where all of the following conditions are met. This waiver from coverage does not apply to non-stormwater discharges. The operator must insure that any non-stormwater discharges are either authorized under a separate permit or authorization, or are not considered to be a wastewater.

(a) the calculated rainfall erosivity (R) factor for the entire period of the construction project is less than five (5);

(b) the operator submits to the TCEQ a signed waiver certification form, supplied by the executive director, certifying that the construction activity will commence and be completed within a period when the value of the calculated R factor is less than five (5); and

(c) the waiver certification form is postmarked for delivery to the TCEQ at least seven (7) days before construction activity begins or, if electronic filing is available, then any time following the receipt of written confirmation from TCEQ that a complete electronic application was submitted and acknowledged.

2. Steps to Obtaining a Waiver

The construction site operator may calculate the R factor to request a waiver using the following steps:

(a) Estimate the construction start date and the construction end date. The construction end date is the date that final stabilization will be achieved.

(b) Find the appropriate Erosivity Index (EI) zone in Appendix B of this permit.

(c) Find the EI percentage for the project period by adding the results for each period of the project using the table provided in Appendix D of this permit, in EPA Fact Sheet 2.1, or in USDA Handbook 703, by subtracting the start value from the end value to find the percent EI for the site.

(d) Refer to the Isoerodent Map (Appendix C of this permit) and interpolate the annual isoerodent value for the proposed construction location.

(e) Multiply the percent value obtained in Step (c) above by the annual isoerodent value obtained in Step (d). This is the R factor for the proposed project. If the value is less than 5, then a waiver may be obtained. If the value is five (5) or more, then a waiver may not be obtained, and the operator must obtain coverage under Part II.E.2. of this permit.

Alternatively, the operator may calculate a site-specific R factor utilizing the following online calculator: http://ei.tamu.edu/index.html, or using another available resource.

The waiver certification form is not required to be posted at the small construction site.

3. Effective Date of Waiver

Operators of small construction activities are provisionally waived from the otherwise applicable requirements of this general permit seven (7) days from the date that a completed waiver certification form is postmarked for delivery to TCEQ, or immediately upon receiving confirmation of approval of an electronic submittal, if electronic form submittals are available.

4. Activities Extending Beyond the Waiver Period

If a construction activity extends beyond the approved waiver period due to circumstances beyond the control of the operator, the operator must either:

(a) recalculate the R factor using the original start date and a new projected ending date, and if the R factor is still under five (5), submit a new waiver certification form at least two (2) days before the end of the original waiver period; or

(b) obtain authorization under this general permit according to the requirements delineated in either Part II.E.2. or Part II.E.3. before the end of the approved waiver period.

Section H. Alternative TPDES Permit Coverage

1. Individual Permit Alternative

Any discharge eligible for coverage under this general permit may alternatively be authorized under an individual TPDES permit according to 30 TAC §305 (relating to Consolidated Permits). Applications for individual permit coverage should be submitted at least three hundred and thirty (330) days prior to commencement of construction activities to ensure timely authorization.

2. Individual Permit Required

The executive director may suspend an authorization or deny an NOI in accordance with the procedures set forth in 30 TAC §205 (relating to General Permits for Waste Discharges), including the requirement that the executive director provide written notice to the permittee. The executive director may require an operator of a construction site, otherwise eligible for authorization under this general permit, to apply for an individual TPDES permit in the following circumstances:

(a) the conditions of an approved TMDL or TMDL I-Plan on the receiving water;

(b) the activity being determined to cause a violation of water quality standards or being found to cause, or contribute to, the loss of a designated use of surface water in the state: and

(c) any other consideration defined in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges) including 30 TAC Chapter 205.4(c)(3)(D), which allows the commission to deny authorization under the general permit and require an individual permit if a discharger “has been determined by the executive director to have been out of compliance with any rule, order, or permit of the commission, including non-payment of fees assessed by the executive director.”

Additionally, the executive director may cancel, revoke, or suspend authorization to discharge under this general permit based on a finding of historical and significant noncompliance with the provisions of this general permit, relating to 30 TAC §60.3 (Use of Compliance History). Denial of authorization to discharge under this general permit or suspension of a permittee’s authorization under this general permit shall be done according to commission rules in 30 TAC Chapter 205 (relating to General Permits for Waste Discharges).

3. Alternative Discharge Authorization

Any discharge eligible for authorization under this general permit may alternatively be authorized under a separate general permit according to 30 TAC Chapter 205 (relating to General Permits for Waste Discharges), if applicable.

Section I. Permit Expiration

1. This general permit is effective for a term not to exceed five (5) years. All active discharge authorizations expire on the date provided on page one (1) of this permit. Following public notice and comment, as provided by 30 TAC §205.3 (relating to

Public Notice, Public Meetings, and Public Comment), the commission may amend, revoke, cancel, or renew this general permit.

2. If the executive director publishes a notice of the intent to renew or amend this general permit before the expiration date, the permit will remain in effect for existing, authorized discharges until the commission takes final action on the permit. Upon issuance of a renewed or amended permit, permittees may be required to submit an NOI within 90 days following the effective date of the renewed or amended permit, unless that permit provides for an alternative method for obtaining authorization.
3. If the commission does not propose to reissue this general permit within 90 days before the expiration date, permittees shall apply for authorization under an individual permit or an alternative general permit. If the application for an individual permit is submitted before the expiration date, authorization under this expiring general permit remains in effect until the issuance or denial of an individual permit. No new NOIs will be accepted nor new authorizations honored under the general permit after the expiration date.

Part III. Stormwater Pollution Prevention Plans (SWP3)

All regulated construction site operators shall prepare an SWP3, prior to submittal of an NOI, to address discharges authorized under Parts II.E.2. and II.E.3. of this general permit that will reach Waters of the U.S., including discharges to MS4s and privately owned separate storm sewer systems that drain to Waters of the U.S., to identify and address potential sources of pollution that are reasonably expected to affect the quality of discharges from the construction site, including off-site material storage areas, overburden and stockpiles of dirt, borrow areas, equipment staging areas, vehicle repair areas, fueling areas, etc., used solely by the permitted project. The SWP3 must describe the implementation of practices that will be used to minimize to the extent practicable the discharge of pollutants in stormwater associated with construction activity and non-stormwater discharges described in Part II.A.3., in compliance with the terms and conditions of this permit.

Individual operators at a site may develop separate SWP3s that cover only their portion of the project, provided reference is made to the other operators at the site. Where there is more than one SWP3 for a site, permittees must coordinate to ensure that BMPs and controls are consistent and do not negate or impair the effectiveness of each other. Regardless of whether a single comprehensive SWP3 is developed or separate SWP3s are developed for each operator, it is the responsibility of each operator to ensure compliance with the terms and conditions of this general permit in the areas of the construction site where that operator has control over construction plans and specifications or day-to-day operations.

Section A. Shared SWP3 Development

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site is encouraged. Operators must independently obtain authorization, but may work together to prepare and implement a single, comprehensive SWP3 for the entire construction site.

1. The SWP3 must clearly list the name and, for large construction activities, the general permit authorization numbers, for each operator that participates in the shared SWP3. Until the TCEQ responds to receipt of the NOI with a general permit authorization number, the SWP3 must specify the date that the NOI was submitted to TCEQ by each operator. Each operator participating in the shared plan must also sign the SWP3.

2. The SWP3 must clearly indicate which operator is responsible for satisfying each shared requirement of the SWP3. If the responsibility for satisfying a requirement is not described in the plan, then each permittee is entirely responsible for meeting the requirement within the boundaries of the construction site where they perform construction activities. The SWP3 must clearly describe responsibilities for meeting each requirement in shared or common areas.
3. The SWP3 may provide that one operator is responsible for preparation of a SWP3 in compliance with the CGP, and another operator is responsible for implementation of the SWP3 at the project site.

Section B. Responsibilities of Operators

1. Secondary Operators and Primary Operators with Control Over Construction Plans and Specifications

All secondary operators and primary operators with control over construction plans and specifications shall:

(a) ensure the project specifications allow or provide that adequate BMPs are developed to meet the requirements of Part III of this general permit;

(b) ensure that the SWP3 indicates the areas of the project where they have control over project specifications, including the ability to make modifications in specifications;

(c) ensure that all other operators affected by modifications in project specifications are notified in a timely manner so that those operators may modify their BMP s as necessary to remain compliant with the conditions of this general permit; and

(d) ensure that the SWP3 for portions of the project where they are operators indicates the name and site-specific TPDES authorization number(s) for operators with the day-to-day operational control over those activities necessary to ensure compliance with the SWP3 and other permit conditions. If the party with day-to-day operational control has not been authorized or has abandoned the site, the person with control over project specifications is considered to be the responsible party until the authority is transferred to another party and the SWP3 is updated.

2. Primary Operators with Day-to-Day Operational Control

Primary operators with day-to-day operational control of those activities at a project that are necessary to ensure compliance with an SWP3 and other permit conditions must ensure that the SWP3 accomplishes the following requirements:

(a) meets the requirements of this general permit for those portions of the project where they are operators;

(b) identifies the parties responsible for implementation of BMPs described in the SWP3;

(c) indicates areas of the project where they have operational control over day-to-day activities; and

(d) includes, for areas where they have operational control over day-to-day activities, the name and site-specific TPDES authorization number of the parties with control over project specifications, including the ability to make modifications in specifications.

Section C. Deadlines for SWP3 Preparation, Implementation, and Compliance

The SWP3 must be prepared prior to obtaining authorization under this general permit, and implemented prior to commencing construction activities that result in soil

disturbance. The SWP3 must be prepared so that it provides for compliance with the terms and conditions of this general permit.

Section D. Plan Review and Making Plans Available

1. The SWP3 must be retained on-site at the construction site or, if the site is inactive or does not have an on-site location to store the plan, a notice must be posted describing the location of the SWP3. The SWP3 must be made readily available at the time of an on-site inspection to: the executive director; a federal, state, or local agency approving sediment and erosion plans, grading plans, or stormwater management plans; local government officials; and the operator of a municipal separate storm sewer receiving discharges from the site. If the SWP3 is retained off-site, then it shall be made available as soon as reasonably possible. In most instances, it is reasonable that the SWP3 shall be made available within 24 hours of the request.
2. A primary operator of a large construction activity must post the TCEQ site notice near the main entrance of the construction site. An operator of a small construction activity seeking authorization under this general permit and a secondary operator of a large construction activity must post the TCEQ site notice required in Part II.E.1., 2., or 3. of this general permit in order to obtain authorization. If the construction project is a linear construction project, such as a pipeline or highway, the notices must be placed in a publicly accessible location near where construction is actively underway. Notices for these linear sites may be relocated, as necessary, along the length of the project. The notices must be readily available for viewing by the general public; local, state, and federal authorities; and contain the following information:
   (a) the site-specific TPDES authorization number for the project if assigned;
   (b) the operator name, contact name, and contact phone number;
   (c) a brief description of the project; and
   (d) the location of the SWP3.
3. This permit does not provide the general public with any right to trespass on a construction site for any reason, including inspection of a site; nor does this permit require that permittees allow members of the general public access to a construction site.

Section E. Revisions and Updates to SWP3s

The permittee must revise or update the SWP3 whenever the following occurs:

1. a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants and that has not been previously addressed in the SWP3;
2. changing site conditions based on updated plans and specifications, new operators, new areas of responsibility, and changes in BMPs; or
3. results of inspections or investigations by site operators, operators of a municipal separate storm sewer system receiving the discharge, authorized TCEQ personnel, or a federal, state or local agency approving sediment and erosion plans indicate the SWP3 is proving ineffective in eliminating or significantly minimizing pollutants in discharges authorized under this general permit.

Section F. Contents of SWP3

The SWP3 must include, at a minimum, the information described in this section and must comply with the construction and development effluent guidelines in Part III, Section G of the general permit.

1. A site or project description, which includes the following information:
   (a) a description of the nature of the construction activity;
   (b) a list of potential pollutants and their sources;
   (c) a description of the intended schedule or sequence of activities that will disturb soils for major portions of the site, including estimated start dates and duration of activities;
   (d) the total number of acres of the entire property and the total number of acres where construction activities will occur, including off-site material storage areas, overburden and stockpiles of dirt, and borrow areas that are authorized under the permittee's NOI;
   (e) data describing the soil or the quality of any discharge from the site;
   (f) a map showing the general location of the site (e.g. a portion of a city or county map);
   (g) a detailed site map (or maps) indicating the following:
      (i) drainage patterns and approximate slopes anticipated after major grading activities;
      (ii) areas where soil disturbance will occur;
      (iii) locations of all controls and buffers, either planned or in place;
      (iv) locations where temporary or permanent stabilization practices are expected to be used;
      (v) locations of construction support activities, including off-site activities, that are authorized under the permittee's NOI, including material, waste, borrow, fill, or equipment or chemical storage areas;
      (vi) surface waters (including wetlands) either at, adjacent, or in close proximity to the site, and also indicating those that are impaired waters;
      (vii) locations where stormwater discharges from the site directly to a surface water body or a municipal separate storm sewer system;
      (viii) vehicle wash areas; and
      (ix) designated points on the site where vehicles will exit onto paved roads (for instance, this applies to construction transition from unstable dirt areas to exterior paved roads).

      Where the amount of information required to be included on the map would result in a single map being difficult to read and interpret, the operator shall develop a series of maps that collectively include the required information.
   (h) the location and description of support activities authorized under the permittee's NOI, including asphalt plants, concrete plants, and other activities providing support to the construction site that is authorized under this general permit;
   (i) the name of receiving waters at or near the site that may be disturbed or that may receive discharges from disturbed areas of the project;
   (j) a copy of this TPDES general permit;
   (k) the NOI and acknowledgement certificate for primary operators of large construction sites, and the site notice for small construction sites and for secondary operators of large construction sites;
   (l) stormwater and allowable non-stormwater discharge locations, including storm drain inlets on site and in the immediate vicinity of the construction site; and

(m) locations of all pollutant-generating activities, such as paving operations; concrete, paint and stucco washout and water disposal; solid waste storage and disposal; and dewatering operations.

2. A description of the BMPs that will be used to minimize pollution in runoff.

The description must identify the general timing or sequence for implementation. At a minimum, the description must include the following components:

(a) General Requirements

(i) Erosion and sediment controls must be designed to retain sediment on-site to the extent practicable with consideration for local topography, soil type, and rainfall.

(ii) Control measures must be properly selected, installed, and maintained according to the manufacturer's or designer's specifications.

(iii) Controls must be developed to minimize the offsite transport of litter, construction debris, and construction materials.

(b) Erosion Control and Stabilization Practices

The SWP3 must include a description of temporary and permanent erosion control and stabilization practices for the site, compliant with the requirements of Part III.G.1 and G.2 of this general permit, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where it is possible.

(i) Erosion control and stabilization practices may include but are not limited to: establishment of temporary or permanent vegetation, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of existing trees and vegetation, slope texturing, temporary velocity dissipation devices, flow diversion mechanisms, and other similar measures.

(ii) The following records must be maintained and either attached to or referenced in the SWP3, and made readily available upon request to the parties listed in Part III.D.1 of this general permit:

(A) the dates when major grading activities occur;

(B) the dates when construction activities temporarily or permanently cease on a portion of the site; and

(C) the dates when stabilization measures are initiated.

(iii) Erosion control and stabilization measures must be initiated immediately in portions of the site where construction activities have temporarily ceased and will not resume for a period exceeding 14 calendar days. Stabilization measures that provide a protective cover must be initiated immediately in portions of the site where construction activities have permanently ceased. The term "immediately" is used to define the deadline for initiating stabilization measures. In the context of this requirement, "immediately" means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Except as provided in (A) through (D) below, these measures must be completed as soon as practicable, but no more than 14 calendar days after the initiation of soil stabilization measures:

(A) Where the immediate initiation of stabilization measures after construction activity temporarily or permanently ceased is precluded

by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.

(B) In arid areas, semi-arid areas, or drought-stricken areas where the immediate initiation of stabilization measures after construction activity has temporarily or permanently ceased or is precluded by arid conditions, erosion control and stabilization measures must be initiated as soon as practicable. Where vegetative controls are not feasible due to arid conditions, the operator shall immediately install, and within 14 calendar days of a temporary or permanent cessation of work in any portion of the site complete, non-vegetative erosion controls. If non-vegetative controls are not feasible, the operator shall install temporary sediment controls as required in Paragraph (C) below.

(C) In areas where temporary stabilization measures are infeasible, the operator may alternatively utilize temporary perimeter controls. The operator must document in the SWP3 the reason why stabilization measures are not feasible, and must demonstrate that the perimeter controls will retain sediment on site to the extent practicable. The operator must continue to inspect the BMPs at the frequency established in Section III.F.7.(a) for unstabilized sites.

(D) If the initiation or completion of vegetative stabilization is affected by circumstances beyond the control of the permittee, vegetative stabilization must be initiated or completed as soon as conditions or circumstances allow it on the site. The requirement to initiate stabilization is triggered as soon as it is known with reasonable certainty that work will be stopped for 14 or more additional calendar days.

(iv) Final stabilization must be achieved prior to termination of permit coverage.

(v) TCEQ does not expect that temporary or permanent stabilization measures to be applied to areas that are intended to be left un-vegetated or un-stabilized following construction (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, or materials).

(c) Sediment Control Practices

The SWP3 must include a description of any sediment control practices used to remove eroded soils from stormwater runoff, including the general timing or sequence for implementation of controls.

(i) Sites With Drainage Areas of Ten or More Acres

(A) Sedimentation Basin(s)

(1) A sedimentation basin is required, where feasible, for a common drainage location that serves an area with ten (10) or more acres disturbed at one time. A sedimentation basin may be temporary or permanent, and must provide sufficient storage to contain a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained. When calculating the volume of runoff from a 2-year, 24-hour storm event, it is not required to include the flows from offsite areas and flow from onsite areas that are either undisturbed or have already undergone permanent stabilization, if these flows are diverted around both the disturbed areas of the site and the sediment basin. Capacity calculations shall be included in the SWP3.

(2) Where rainfall data is not available or a calculation cannot be performed, the sedimentation basin must provide at least 3,600 cubic feet of storage per acre drained until final stabilization of the site.

(3) If a sedimentation basin is not feasible, then the permittee shall provide equivalent control measures until final stabilization of the site. In determining whether installing a sediment basin is feasible, the permittee may consider factors such as site soils, slope, available area, public safety, precipitation patterns, site geometry, site vegetation, infiltration capacity, geotechnical factors, depth to groundwater, and other similar considerations. The permittee shall document the reason that the sediment basins are not feasible, and shall utilize equivalent control measures, which may include a series of smaller sediment basins.

(4) Unless infeasible, when discharging from sedimentation basins and impoundments, the permittee shall utilize outlet structures that withdraw water from the surface.

(B) Perimeter Controls: At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(ii) Controls for Sites With Drainage Areas Less than Ten Acres:

(A) Sediment traps and sediment basins may be used to control solids in stormwater runoff for drainage locations serving less than ten (10) acres. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries of the construction area, and for those side slope boundaries deemed appropriate as dictated by individual site conditions.

(B) Alternatively, a sediment basin that provides storage for a calculated volume of runoff from a 2-year, 24-hour storm from each disturbed acre drained may be utilized. Where rainfall data is not available or a calculation cannot be performed, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained may be provided. If a calculation is performed, then the calculation shall be included in the SWP3.

(C) If sedimentation basins or impoundments are used, the permittee shall comply with the requirements in Part III.G.6 of this general permit.

3. Description of Permanent Stormwater Controls

A description of any measures that will be installed during the construction process to control pollutants in stormwater discharges that may occur after construction operations have been completed must be included in the SWP3. Permittees are only responsible for the installation and maintenance of stormwater management measures prior to final stabilization of the site or prior to submission of an NOT.

4. Other Required Controls and BMPs

(a) Permittees shall minimize, to the extent practicable, the off-site vehicle tracking of sediments and the generation of dust. The SWP3 shall include a description of controls utilized to accomplish this requirement.

(b) The SWP3 must include a description of construction and waste materials expected to be stored on-site and a description of controls to minimize pollutants from these materials.

(c) The SWP3 must include a description of potential pollutant sources from areas other than construction (such as stormwater discharges from dedicated asphalt plants and dedicated concrete batch plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

(d) Permittees shall place velocity dissipation devices at discharge locations and along the length of any outfall channel (i.e., runoff conveyance) to provide a non-erosive flow velocity from the structure to a water course, so that the natural physical and biological characteristics and functions are maintained and protected.

(e) Permittees shall design and utilize appropriate controls to minimize the offsite transport of suspended sediments and other pollutants if it is necessary to pump or channel standing water from the site.

(f) Permittees shall ensure that all other required controls and BMPs comply with all of the requirements of Part III.G of this general permit.

5. Documentation of Compliance with Approved State and Local Plans

(a) Permittees must ensure that the SWP3 is consistent with requirements specified in applicable sediment and erosion site plans or site permits, or stormwater management site plans or site permits approved by federal, state, or local officials.

(b) SWP3s must be updated as necessary to remain consistent with any changes applicable to protecting surface water resources in sediment erosion site plans or site permits, or stormwater management site plans or site permits approved by state or local official for which the permittee receives written notice.

(c) If the permittee is required to prepare a separate management plan, including but not limited to a WPAP or Contributing Zone Plan in accordance with 30 TAC Chapter 213 (related to the Edwards Aquifer), then a copy of that plan must be either included in the SWP3 or made readily available upon request to authorized personnel of the TCEQ. The permittee shall maintain a copy of the approval letter for the plan in its SWP3.

6. Maintenance Requirements

(a) All protective measures identified in the SWP3 must be maintained in effective operating condition. If, through inspections or other means, the permittee determines that BMPs are not operating effectively, then the permittee shall perform maintenance as necessary to maintain the continued effectiveness of stormwater controls, and prior to the next rain event if feasible. If maintenance prior to the next anticipated storm event is impracticable, the reason shall be documented in the SWP3 and maintenance must be scheduled and accomplished as soon as practicable. Erosion and sediment controls that have been intentionally disabled, run-over, removed, or otherwise rendered ineffective must be replaced or corrected immediately upon discovery.

(b) If periodic inspections or other information indicates a control has been used incorrectly, is performing inadequately, or is damaged, then the operator shall replace or modify the control as soon as practicable after making the discovery.

(c) Sediment must be removed from sediment traps and sedimentation ponds no later than the time that design capacity has been reduced by 50%. For perimeter

controls such as silt fences, berms, etc., the trapped sediment must be removed before it reaches 50% of the above-ground height.

(d) If sediment escapes the site, accumulations must be removed at a frequency that minimizes off-site impacts, and prior to the next rain event, if feasible. If the permittee does not own or operate the off-site conveyance, then the permittee shall work with the owner or operator of the property to remove the sediment.

7. Inspections of Controls

(a) Personnel provided by the permittee must inspect disturbed areas of the construction site that have not been finally stabilized, areas used for storage of materials that are exposed to precipitation, discharge locations, and structural controls for evidence of, or the potential for, pollutants entering the drainage system. Personnel conducting these inspections must be knowledgeable of this general permit, familiar with the construction site, and knowledgeable of the SWP3 for the site. Sediment and erosion control measures identified in the SWP3 must be inspected to ensure that they are operating correctly. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking. Inspections must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.

Where sites have been finally or temporarily stabilized or where runoff is unlikely due to winter conditions (e.g. site is covered with snow, ice, or frozen ground exists), inspections must be conducted at least once every month. In arid, semi-arid, or drought-stricken areas, inspections must be conducted at least once every month and within 24 hours after the end of a storm event of 0.5 inches or greater. The SWP3 must also contain a record of the total rainfall measured, as well as the approximate beginning and ending dates of winter or drought conditions resulting in monthly frequency of inspections.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, then the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection.

The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of “dry” season and beginning of “wet” season).

(b) Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may provide inspection personnel with limited access to the areas described in Part III.F.7.(a) above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described in Part III.F.7.(a)

above. The conditions of the controls along each inspected 0.25 mile portion may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile portion to either the end of the next 0.25 mile inspected portion, or to the end of the project, whichever occurs first.

As an alternative to the above-described inspection schedule of once every 14 calendar days and within 24 hours of a storm event of 0.5 inches or greater, the SWP3 may be developed to require that these inspections will occur at least once every seven (7) calendar days. If this alternative schedule is developed, the inspection must occur regardless of whether or not there has been a rainfall event since the previous inspection. The inspections may occur on either schedule provided that the SWP3 reflects the current schedule and that any changes to the schedule are conducted in accordance with the following provisions: the schedule may be changed a maximum of one time each month, the schedule change must be implemented at the beginning of a calendar month, and the reason for the schedule change must be documented in the SWP3 (e.g., end of "dry" season and beginning of "wet" season).

(c) In the event of flooding or other uncontrollable situations which prohibit access to the inspection sites, inspections must be conducted as soon as access is practicable.

(d) The SWP3 must be modified based on the results of inspections, as necessary, to better control pollutants in runoff. Revisions to the SWP3 must be completed within seven (7) calendar days following the inspection. If existing BMPs are modified or if additional BMPs are necessary, an implementation schedule must be described in the SWP3 and wherever possible those changes implemented before the next storm event. If implementation before the next anticipated storm event is impracticable, these changes must be implemented as soon as practicable.

(e) A report summarizing the scope of the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWP3 must be made and retained as part of the SWP3. Major observations should include: The locations of discharges of sediment or other pollutants from the site; locations of BMPs that need to be maintained; locations of BMPs that failed to operate as designed or proved inadequate for a particular location; and locations where additional BMPs are needed.

Actions taken as a result of inspections must be described within, and retained as a part of, the SWP3. Reports must identify any incidents of non-compliance. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the facility or site is in compliance with the SWP3 and this permit. The report must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).

The names and qualifications of personnel making the inspections for the permittee may be documented once in the SWP3 rather than being included in each report.

8. The SWP3 must identify and ensure the implementation of appropriate pollution prevention measures for all eligible non-stormwater components of the discharge, as listed in Part II.A.3. of this permit.
9. The SWP3 must include the information required in Part III.B. of this general permit.
10. The SWP3 must include pollution prevention procedures that comply with Part III.G.4 of this general permit.

Section G. Erosion and Sediment Control Requirements Applicable to All Sites

Except as provided in 40 CFR §§125.30-125.32, any discharge regulated under this general permit, with the exception of sites that obtained waivers based on low rainfall erosivity, must achieve, at a minimum, the following effluent limitations representing the degree of effluent reduction attainable by application of the best practicable control technology currently available (BPT).

1. *Erosion and sediment controls*. Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed, and maintained to:

   (a) Control stormwater volume and velocity within the site to minimize soil erosion;

   (b) If any stormwater flow will be channelized at the site, stormwater controls must be designed to control both peak flowrates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and streambank erosion;

   (c) Minimize the amount of soil exposed during construction activity;

   (d) Minimize the disturbance of steep slopes;

   (e) Minimize sediment discharges from the site. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting stormwater runoff, and soil characteristics, including the range of soil particle sizes expected to be present on the site;

   (f) If earth disturbance activities are located in close proximity to a surface water, provide and maintain appropriate natural buffers if feasible and as necessary, around surface waters, depending on site-specific topography, sensitivity, and proximity to water bodies. Direct stormwater to vegetated areas to increase sediment removal and maximize stormwater infiltration. If providing buffers is infeasible, the permittee shall document the reason that natural buffers are not feasible, and shall implement additional erosion and sediment controls to reduce sediment load;

   (g) Preserve native topsoil at the site, unless infeasible; and

   (h) Minimize soil compaction in post-construction pervious areas. In areas of the construction site where final vegetative stabilization will occur or where infiltration practices will be installed, either:

      (1) restrict vehicle and equipment use to avoid soil compaction; or

      (2) prior to seeding or planting areas of exposed soil that have been compacted, use techniques that condition the soils to support vegetative growth, if necessary and feasible;

   (i) TCEQ does not consider stormwater control features (e.g., stormwater conveyance channels, storm drain inlets, sediment basins) to constitute “surface waters” for the purposes of triggering the buffer requirement in Part III.G.(f) above.

2. *Soil stabilization*. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have permanently ceased on any portion of the site, or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In the context of this requirement, “immediately” means as soon as practicable, but no later than the end of the next work day, following the day when the earth-disturbing activities have temporarily or permanently ceased. Temporary

stabilization must be completed no more than 14 calendar days after initiation of soil stabilization measures, and final stabilization must be achieved prior to termination of permit coverage. In arid, semi-arid, and drought-stricken areas where initiating vegetative stabilization measures immediately is infeasible, alternative non-vegetative stabilization measures must be employed as soon as practicable. Refer to Part III.F.2.(b) for complete erosion control and stabilization practice requirements.

3. *Dewatering*. Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited, unless managed by appropriate controls.
4. *Pollution prevention measures*. Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:
   (a) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
   (b) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
   (c) Minimize the discharge of pollutants from spills and leaks, and implement chemical spill and leak prevention and response procedures.
5. *Prohibited discharges*. The following discharges are prohibited:
   (a) Wastewater from wash out of concrete trucks, unless managed by an appropriate control (see Part V of the general permit);
   (b) Wastewater from wash out and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
   (c) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
   (d) Soaps or solvents used in vehicle and equipment washing.
6. *Surface outlets*. When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

Part IV. Stormwater Runoff from Concrete Batch Plants

Discharges of stormwater runoff from concrete batch plants at regulated construction sites may be authorized under the provisions of this general permit provided that the following requirements are met for concrete batch plant(s) authorized under this permit. If discharges of stormwater runoff from concrete batch plants are not covered under this general permit, then discharges must be authorized under an alternative general permit or individual permit. This permit does not authorize the discharge or land disposal of any wastewater from concrete batch plants at regulated construction sites. Authorization for these wastes must be obtained under an individual permit or an alternative general permit.

Section A. Benchmark Sampling Requirements

1. Operators of concrete batch plants authorized under this general permit shall sample the stormwater runoff from the concrete batch plants according to the requirements

of this section of this general permit, and must conduct evaluations on the effectiveness of the SWP3 based on the following benchmark monitoring values:

Table 1. Benchmark Parameters

Benchmark Parameter	Benchmark Value	Sampling Frequency	Sample Type
Oil and Grease	15 mg/L	1/quarter (*1) (*2)	Grab (*3)
Total Suspended Solids	100 mg/L	1/quarter (*1) (*2)	Grab (*3)
pH	6.0 – 9.0 Standard Units	1/quarter (*1) (*2)	Grab (*3)
Total Iron	1.3 mg/L	1/quarter (*1) (*2)	Grab (*3)

(*1) When discharge occurs. Sampling is required within the first 30 minutes of discharge. If it is not practicable to take the sample, or to complete the sampling, within the first 30 minutes, sampling must be completed within the first hour of discharge. If sampling is not completed within the first 30 minutes of discharge, the reason must be documented and attached to all required reports and records of the sampling activity.

(*2) Sampling must be conducted at least once during each of the following periods. The first sample must be collected during the first full quarter that a stormwater discharge occurs from a concrete batch plant authorized under this general permit.

January through March

April through June

July through September

October through December

For projects lasting less than one full quarter, a minimum of one sample shall be collected, provided that a stormwater discharge occurred at least once following submission of the NOI or following the date that automatic authorization was obtained under Section II.E.2., and prior to terminating coverage.

(*3) A grab sample shall be collected from the stormwater discharge resulting from a storm event that is at least 0.1 inches of measured precipitation that occurs at least 72 hours from the previously measurable storm event. The sample shall be collected downstream of the concrete batch plant, and where the discharge exits any BMPs utilized to handle the runoff from the batch plant, prior to commingling with any other water authorized under this general permit.

2. The permittee must compare the results of sample analyses to the benchmark values above, and must include this comparison in the overall assessment of the SWP3's effectiveness. Analytical results that exceed a benchmark value are not a violation of this permit, as these values are not numeric effluent limitations. Results of analyses are indicators that modifications of the SWP3 should be assessed and may be necessary to protect water quality. The operator must investigate the cause for each exceedance and must document the results of this investigation in the SWP3 by the end of the quarter following the sampling event.

The operator's investigation must identify the following:

(a) any additional potential sources of pollution, such as spills that might have occurred,

(b) necessary revisions to good housekeeping measures that are part of the SWP3,

(c) additional BMPs, including a schedule to install or implement the BMPs, and

(d) other parts of the SWP3 that may require revisions in order to meet the goal of the benchmark values.

Background concentrations of specific pollutants may also be considered during the investigation. If the operator is able to relate the cause of the exceedance to background concentrations, then subsequent exceedances of benchmark values for that pollutant may be resolved by referencing earlier findings in the SWP3. Background concentrations may be identified by laboratory analyses of samples of stormwater runon to the permitted facility, by laboratory analyses of samples of stormwater run-off from adjacent non-industrial areas, or by identifying the pollutant is a naturally occurring material in soils at the site.

Section B. Best Management Practices (BMPs) and SWP3 Requirements

Minimum SWP3 Requirements – The following are required in addition to other SWP3 requirements listed in this general permit (including, but not limited to Part III.F.7. of this permit):

1. Description of Potential Pollutant Sources - The SWP3 must provide a description of potential sources (activities and materials) that may reasonably be expected to affect the quality of stormwater discharges associated with concrete batch plants authorized under this permit. The SWP3 must describe practices that that will be used to reduce the pollutants in these discharges to assure compliance with this general permit, including the protection of water quality, and must ensure the implementation of these practices.

   The following must be developed, at a minimum, in support of developing this description:

   (a) Drainage – The site map must include the following information:

      (1) the location of all outfalls for stormwater discharges associated with concrete batch plants that are authorized under this permit;

      (2) a depiction of the drainage area and the direction of flow to the outfall(s);

      (3) structural controls used within the drainage area(s);

      (4) the locations of the following areas associated with concrete batch plants that are exposed to precipitation: vehicle and equipment maintenance activities (including fueling, repair, and storage areas for vehicles and equipment scheduled for maintenance); areas used for the treatment, storage, or disposal of wastes; liquid storage tanks; material processing and storage areas; and loading and unloading areas; and

      (5) the locations of the following: any bag house or other dust control device(s); recycle/sedimentation pond, clarifier or other device used for the treatment of facility wastewater (including the areas that drain to the treatment device); areas with significant materials; and areas where major spills or leaks have occurred.

   (b) Inventory of Exposed Materials – A list of materials handled at the concrete batch plant that may be exposed to stormwater and that have a potential to

affect the quality of stormwater discharges associated with concrete batch plants that are authorized under this general permit.

(c) Spills and Leaks - A list of significant spills and leaks of toxic or hazardous pollutants that occurred in areas exposed to stormwater and that drain to stormwater outfalls associated with concrete batch plants authorized under this general permit must be developed, maintained, and updated as needed.

(d) Sampling Data - A summary of existing stormwater discharge sampling data must be maintained, if available.

2. Measures and Controls - The SWP3 must include a description of management controls to regulate pollutants identified in the SWP3's "Description of Potential Pollutant Sources" from Part IV.B.1.(a) of this permit, and a schedule for implementation of the measures and controls. This must include, at a minimum:

(a) Good Housekeeping - Good housekeeping measures must be developed and implemented in the area(s) associated with concrete batch plants.

(1) Operators must prevent or minimize the discharge of spilled cement, aggregate (including sand or gravel), settled dust, or other significant materials from paved portions of the site that are exposed to stormwater. Measures used to minimize the presence of these materials may include regular sweeping or other equivalent practices. These practices must be conducted at a frequency that is determined based on consideration of the amount of industrial activity occurring in the area and frequency of precipitation, and shall occur at least once per week when cement or aggregate is being handled or otherwise processed in the area.

(2) Operators must prevent the exposure of fine granular solids, such as cement, to stormwater. Where practicable, these materials must be stored in enclosed silos, hoppers or buildings, in covered areas, or under covering.

(b) Spill Prevention and Response Procedures - Areas where potential spills that can contribute pollutants to stormwater runoff, and the drainage areas from these locations, must be identified in the SWP3. Where appropriate, the SWP3 must specify material handling procedures, storage requirements, and use of equipment. Procedures for cleaning up spills must be identified in the SWP3 and made available to the appropriate personnel.

(c) Inspections - Qualified facility personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) must be identified to inspect designated equipment and areas of the facility specified in the SWP3. The inspection frequency must be specified in the SWP3 based upon a consideration of the level of concrete production at the facility, but must be a minimum of once per month while the facility is in operation. The inspection must take place while the facility is in operation and must, at a minimum, include all areas that are exposed to stormwater at the site, including material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, truck wash down and equipment cleaning areas. Follow-up procedures must be used to ensure that appropriate actions are taken in response to the inspections. Records of inspections must be maintained and be made readily available for inspection upon request.

(d) Employee Training - An employee training program must be developed to educate personnel responsible for implementing any component of the SWP3, or personnel otherwise responsible for stormwater pollution prevention, with the provisions of the SWP3. The frequency of training must be documented in

the SWP3, and at a minimum, must consist of one training prior to the initiation of operation of the concrete batch plant.

(e) Record Keeping and Internal Reporting Procedures - A description of spills and similar incidents, plus additional information that is obtained regarding the quality and quantity of stormwater discharges, must be included in the SWP3. Inspection and maintenance activities must be documented and records of those inspection and maintenance activities must be incorporated in the SWP3.

(f) Management of Runoff - The SWP3 shall contain a narrative consideration for reducing the volume of runoff from concrete batch plants by diverting runoff or otherwise managing runoff, including use of infiltration, detention ponds, retention ponds, or reusing of runoff.

3. Comprehensive Compliance Evaluation – At least once per year, one or more qualified personnel (i.e., a person or persons with knowledge of this general permit, the concrete batch plant, and the SWP3 related to the concrete batch plant(s) for the site) shall conduct a compliance evaluation of the plant. The evaluation must include the following.

(a) Visual examination of all areas draining stormwater associated with regulated concrete batch plants for evidence of, or the potential for, pollutants entering the drainage system. These include but are not limited to: cleaning areas, material handling areas, above ground storage tanks, hoppers or silos, dust collection/containment systems, and truck wash down and equipment cleaning areas. Measures implemented to reduce pollutants in runoff (including structural controls and implementation of management practices) must be evaluated to determine if they are effective and if they are implemented in accordance with the terms of this permit and with the permittee's SWP3. The operator shall conduct a visual inspection of equipment needed to implement the SWP3, such as spill response equipment.

(b) Based on the results of the evaluation, the following must be revised as appropriate within two weeks of the evaluation: the description of potential pollutant sources identified in the SWP3 (as required in Part IV.B.1., "Description of Potential Pollutant Sources"); and pollution prevention measures and controls identified in the SWP3 (as required in Part IV.B.2., "Measures and Controls"). The revisions may include a schedule for implementing the necessary changes.

(c) The permittee shall prepare and include in the SWP3 a report summarizing the scope of the evaluation, the personnel making the evaluation, the date(s) of the evaluation, major observations relating to the implementation of the SWP3, and actions taken in response to the findings of the evaluation. The report must identify any incidents of noncompliance. Where the report does not identify incidences of noncompliance, the report must contain a statement that the evaluation did not identify any incidence(s), and the report must be signed according to 30 TAC §305.128, relating to Signatories to Reports.

(d) The Comprehensive Compliance Evaluation may substitute for one of the required inspections delineated in Part IV.B.2.(c) of this general permit.

Section C. Prohibition of Wastewater Discharges

Wastewater discharges associated with concrete production including wastewater disposal by land application are not authorized under this general permit. These wastewater discharges must be authorized under an alternative TCEQ water quality permit or otherwise disposed of in an authorized manner. Discharges of concrete truck wash out at construction sites may be authorized if conducted in accordance with the requirements of Part V of this general permit.

Part V. Concrete Truck Wash Out Requirements

This general permit authorizes the wash out of concrete trucks at construction sites regulated under Sections II.E.1., 2., and 3. of this general permit, provided the following requirements are met. Authorization is limited to the land disposal of wash out water from concrete trucks. Any other direct discharge of concrete production waste water must be authorized under a separate TCEQ general permit or individual permit.

1. Direct discharge of concrete truck wash out water to surface water in the state, including discharge to storm sewers, is prohibited by this general permit.
2. Concrete truck wash out water shall be discharged to areas at the construction site where structural controls have been established to prevent direct discharge to surface waters, or to areas that have a minimal slope that allow infiltration and filtering of wash out water to prevent direct discharge to surface waters. Structural controls may consist of temporary berms, temporary shallow pits, temporary storage tanks with slow rate release, or other reasonable measures to prevent runoff from the construction site.
3. Wash out of concrete trucks during rainfall events shall be minimized. The direct discharge of concrete truck wash out water is prohibited at all times, and the operator shall insure that its BMPs are sufficient to prevent the discharge of concrete truck wash out as the result of rainfall or stormwater runoff.
4. The discharge of wash out water must not cause or contribute to groundwater contamination.
5. If a SWP3 is required to be implemented, the SWP3 shall include concrete wash out areas on the associated site map.

Part VI. Retention of Records

The permittee must retain the following records for a minimum period of three (3) years from the date that a NOT is submitted as required by Part II.E.3. For activities in which an NOT is not required, records shall be retained for a minimum period of three (3) years from the date that the operator terminates coverage under Section II.F.3. of this permit. Records include:

1. A copy of the SWP3;
2. All reports and actions required by this permit, including a copy of the construction site notice;
3. All data used to complete the NOI, if an NOI is required for coverage under this general permit; and
4. All records of submittal of forms submitted to the operator of any MS4 receiving the discharge and to the secondary operator of a large construction site, if applicable.

Part VII. Standard Permit Conditions

1. The permittee has a duty to comply with all permit conditions. Failure to comply with any permit condition is a violation of the permit and statutes under which it was issued, and is grounds for enforcement action, for terminating, revoking, or denying coverage under this general permit, or for requiring a discharger to apply for and obtain an individual TPDES permit.
2. Authorization under this general permit may be suspended or revoked for cause. Filing a notice of planned changes or anticipated non-compliance by the permittee does not stay any permit condition. The permittee must furnish to the executive director, upon request and within a reasonable time, any information necessary for the executive director to determine whether cause exists for revoking, suspending, or

terminating authorization under this permit. Additionally, the permittee must provide to the executive director, upon request, copies of all records that the permittee is required to maintain as a condition of this general permit.

3. It is not a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the permit conditions.
4. Inspection and entry shall be allowed under TWC Chapters 26-28, Texas Health and Safety Code §§361.032-361.033 and 361.037, and 40 CFR §122.41(i). The statement in TWC §26.014 that commission entry of a facility shall occur according to an establishment's rules and regulations concerning safety, internal security, and fire protection is not grounds for denial or restriction of entry to any part of the facility or site, but merely describes the commission's duty to observe appropriate rules and regulations during an inspection.
5. The discharger is subject to administrative, civil, and criminal penalties, as applicable, under TWC Chapter 7 for violations including but not limited to the following:
   (a) negligently or knowingly violating the federal CWA §§301, 302, 306, 307, 308, 318, or 405, or any condition or limitation implementing any sections in a permit issued under CWA §402, or any requirement imposed in a pretreatment program approved under CWA §§402(a)(3) or 402(b)(8);
   (b) knowingly making any false statement, representation, or certification in any record or other document submitted or required to be maintained under a permit, including monitoring reports or reports of compliance or noncompliance; and
   (c) knowingly violating §303 of the federal CWA, and placing another person in imminent danger of death or serious bodily injury.
6. All reports and other information requested by the executive director must be signed by the person and in the manner required by 30 TAC §305.128 (relating to Signatories to Reports).
7. Authorization under this general permit does not convey property or water rights of any sort and does not grant any exclusive privilege.
8. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.
9. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
10. The permittee shall comply with the reporting requirements in 40 CFR §122.41(l), as applicable.

Part VIII. Fees

1. A fee of must be submitted along with the NOI:
   (a) $325 if submitting a paper NOI, or
   (b) $225 if submitting an NOI electronically.

2. Fees are due upon submission of the NOI. An NOI will not be declared administratively complete unless the associated fee has been paid in full.
3. No separate annual fees will be assessed for this general permit. The Water Quality Annual Fee has been incorporated into the NOI fees as described above.

Appendix A: Automatic Authorization

Periods of Low Erosion Potential by County – Eligible Date Ranges

Andrews: Nov. 15 - Apr. 30

Archer: Dec. 15 - Feb. 14

Armstrong: Nov. 15 - Apr. 30

Bailey: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Baylor: Dec. 15 - Feb. 14

Borden: Nov. 15 - Apr. 30

Brewster: Nov. 15 - Apr. 30

Briscoe: Nov. 15 - Apr. 30

Brown: Dec. 15 - Feb. 14

Callahan: Dec. 15 - Feb. 14

Carson: Nov. 15 - Apr. 30

Castro: Nov. 15 - Apr. 30

Childress: Dec. 15 - Feb. 14

Cochran: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Coke: Dec. 15 - Feb. 14

Coleman: Dec. 15 - Feb. 14

Collingsworth: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Concho: Dec. 15 - Feb. 14

Cottle: Dec. 15 - Feb. 14

Crane: Nov. 15 - Apr. 30

Crockett: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Crosby: Nov. 15 - Apr. 30

Culberson: Nov. 1 - May 14

Dallam: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Dawson: Nov. 15 - Apr. 30

Deaf Smith: Nov. 15 - Apr. 30

Dickens: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Dimmit: Dec. 15 - Feb. 14

Donley: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

Eastland: Dec. 15 - Feb. 14

Ector: Nov. 15 - Apr. 30

Edwards: Dec. 15 - Feb. 14

El Paso: Jan. 1 - Jul. 14, or May 15 - Jul. 31, or Jun. 1 - Aug. 14, or Jun. 15 - Sept. 14, or Jul. 1 - Oct. 14, or Jul. 15 - Oct. 31, or Aug. 1 - Apr. 30, or Aug. 15 - May 14, or Sept. 1 - May 30, or Oct. 1 - Jun. 14, or Nov. 1 - Jun. 30, or Nov. 15 - Jul. 14

Fisher: Dec. 15 - Feb. 14

Floyd: Nov. 15 - Apr. 30

Foard: Dec. 15 - Feb. 14

Gaines: Nov. 15 - Apr. 30

Garza: Nov. 15 - Apr. 30

Glasscock: Nov. 15 - Apr. 30

Hale: Nov. 15 - Apr. 30

Hall: Feb. 1 - Mar. 30

Hansford: Nov. 15 - Apr. 30

Hardeman: Dec. 15 - Feb. 14

Hartley: Nov. 15 - Apr. 30

Haskell: Dec. 15 - Feb. 14

Hockley: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Howard: Nov. 15 - Apr. 30

Hudspeth: Nov. 1 - May 14

Hutchinson: Nov. 15 - Apr. 30

Irion: Dec. 15 - Feb. 14

Jeff Davis: Nov. 1 - Apr. 30 or Nov. 15 - May 14

Jones: Dec. 15 - Feb. 14

Kent: Nov. 15 - Jan. 14 or Feb. 1 - Mar. 30

Kerr: Dec. 15 - Feb. 14

Kimble: Dec. 15 - Feb. 14

King: Dec. 15 - Feb. 14

Kinney: Dec. 15 - Feb. 14

Knox: Dec. 15 - Feb. 14

Lamb: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Loving: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Lubbock: Nov. 15 - Apr. 30

Lynn: Nov. 15 - Apr. 30

Martin: Nov. 15 - Apr. 30

Mason: Dec. 15 - Feb. 14

Maverick: Dec. 15 - Feb. 14

McCulloch: Dec. 15 - Feb. 14

Menard: Dec. 15 - Feb. 14

Midland: Nov. 15 - Apr. 30

Mitchell: Nov. 15 - Apr. 30

Moore: Nov. 15 - Apr. 30

Motley: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Nolan: Dec. 15 - Feb. 14

Oldham: Nov. 15 - Apr. 30

Parmer: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Pecos: Nov. 15 - Apr. 30

Potter: Nov. 15 - Apr. 30

Presidio: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Randall: Nov. 15 - Apr. 30

Reagan: Nov. 15 - Apr. 30

Real: Dec. 15 - Feb. 14

Reeves: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Runnels: Dec. 15 - Feb. 14

Schleicher: Dec. 15 - Feb. 14

Scurry: Nov. 15 - Apr. 30

Shackelford: Dec. 15 - Feb. 14

Sherman: Nov. 15 - Apr. 30

Stephens: Dec. 15 - Feb. 14

Sterling: Nov. 15 - Apr. 30

Stonewall: Dec. 15 - Feb. 14

Sutton: Dec. 15 - Feb. 14

Swisher: Nov. 15 - Apr. 30

Taylor: Dec. 15 - Feb. 14

Terrell: Nov. 15 - Apr. 30

Terry: Nov. 15 - Apr. 30

Throckmorton: Dec. 15 - Feb. 14

Tom Green: Dec. 15 - Feb. 14

Upton: Nov. 15 - Apr. 30

Uvalde: Dec. 15 - Feb. 14

Val Verde: Nov. 15 - Jan. 14, or Feb. 1 - Mar. 30

Ward: Nov. 1 - Apr. 14, or Nov. 15 - Apr. 30

Wichita: Dec. 15 - Feb. 14

Wilbarger: Dec. 15 - Feb. 14

Winkler: Nov. 1 - Apr. 30, or Nov. 15 - May 14

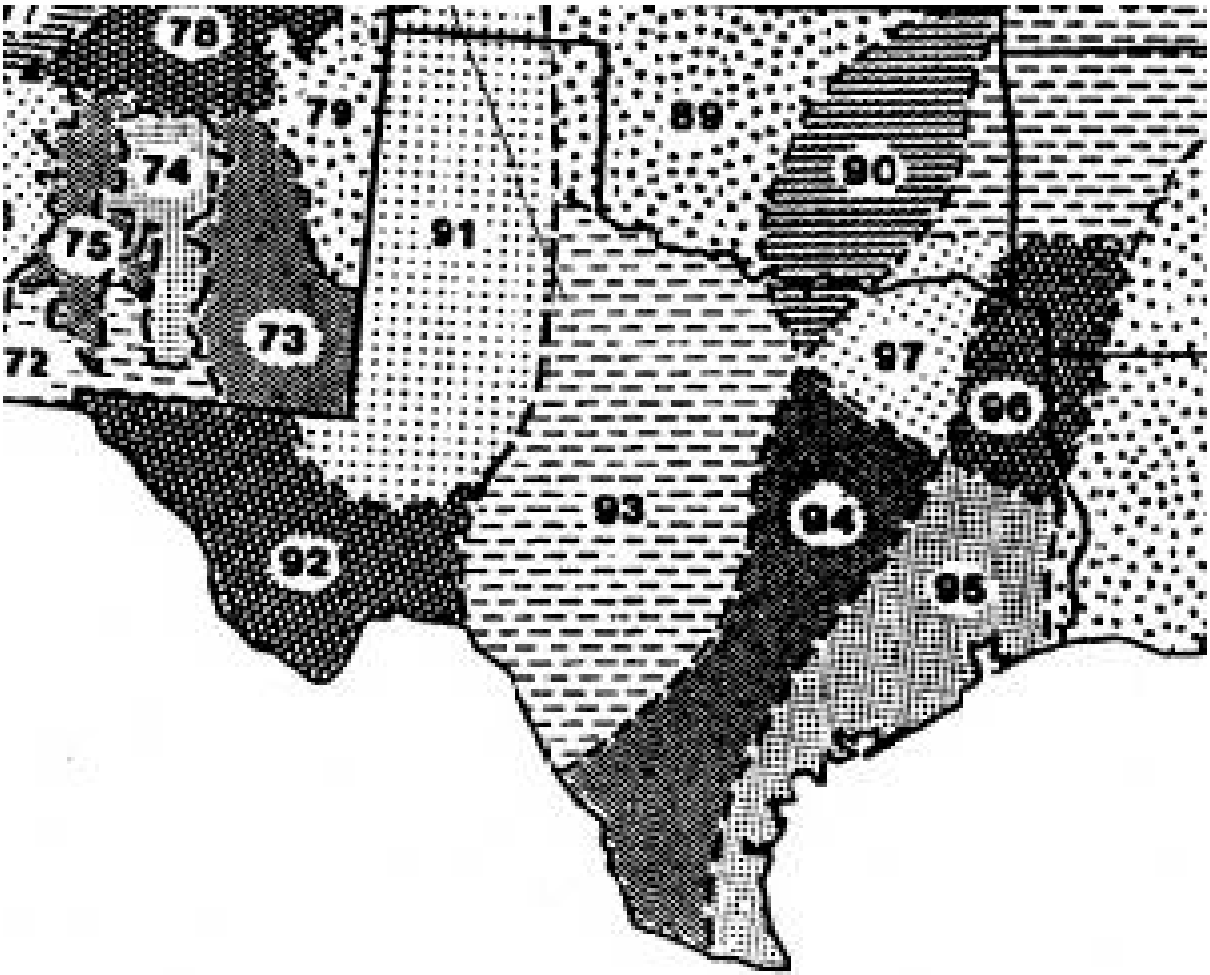
Yoakum: Nov. 1 - Apr. 30, or Nov. 15 - May 14

Young: Dec. 15 - Feb. 14

Wheeler: Jan. 1 - Mar. 30, or Dec. 1 - Feb. 28

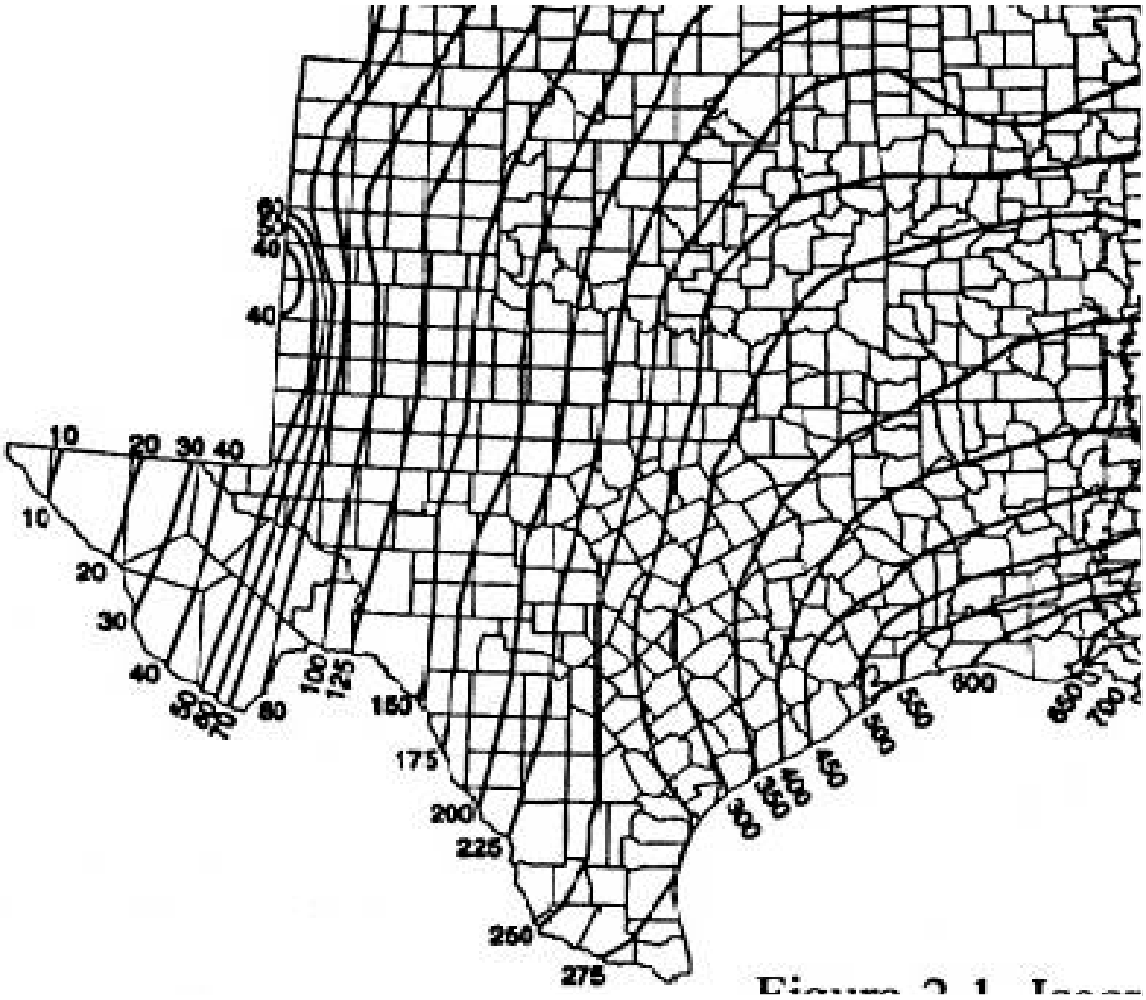
Zavala: Dec. 15 - Feb. 14

Appendix B: Erosivity Index (EI) Zones in Texas



Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix C: Isoerodent Map



Adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix D: Erosivity Indices for EI Zones in Texas

Periods:

EI #	1/1	1/16	1/31	2/15	3/1	3/16	3/31	4/15	4/30	5/15	5/30	6/14	6/29	7/14	7/29	8/13	8/28	9/12	9/27	10/12	10/27	11/11	11/26	12/11	12/31
89	0	1	1	2	3	4	7	2	8	27	38	48	55	62	69	76	83	90	94	97	98	99	100	100	100
90	0	1	2	3	4	6	8	13	21	29	37	46	54	60	65	69	74	81	87	92	95	97	98	99	100
91	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
92	0	0	0	0	1	1	1	2	6	16	29	39	46	53	60	67	74	81	88	95	99	99	100	100	100
93	0	1	1	2	3	4	6	8	13	25	40	49	56	62	67	72	76	80	85	91	97	98	99	99	100
94	0	1	2	4	6	8	10	15	21	29	38	47	53	57	61	65	70	76	83	88	91	94	96	98	100
95	0	1	3	5	7	9	11	14	18	27	35	41	46	51	57	62	68	73	79	84	89	93	96	98	100
96	0	2	4	6	9	12	17	23	30	37	43	49	54	58	62	66	70	74	78	82	86	90	94	97	100
97	0	1	3	5	7	10	14	20	28	37	48	56	61	64	68	72	77	81	86	89	92	95	98	99	100
106	0	3	6	9	13	17	21	27	33	38	44	49	55	61	67	71	75	78	81	84	86	90	94	97	100

* Each period begins on the date listed in the table above and lasts until the day before the following period. The final period begins on December 11 and ends on December 31.

Table adapted from Chapter 2 of USDA Agriculture Handbook 703: "Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE)," U.S. Department of Agriculture, Agricultural Research Service

Appendix H

Completed Inspection Forms